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THE

HISTORY

OF

ENGLAND.

VOL. VIII.

THE

HISTORY

OF

ENGLAND,

FROM THE

INVASION OF JULIUS CÆSAR

TO

The REVOLUTION in 1688.

IN EIGHT VOLUMES.

By DAVID HUME, Esq;

VOL. VIII.

A NEW EDITION, with the AUTHOR's last CORRECTIONS and IMPROVEMENTS.

To which is prefixed,

A short ACCOUNT of his LIFE, written by himself.

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CONTENTS

OF THE

EIGHTH VOLUME.

CHAP. LXVI.

Schemes of the cabal——Remonſtrances of Sir William Temple——Campaign of 1674——A parliament——Paſſive obedience——A parliament——Campaign of 1675——Congreſs of Nimeguen——Campaign of 1676——Uncertain conduct of the King——A parliament——Campaign of 1677——Parliament's diſtruſt of the King——Marriage of the Prince of Orange with the Lady Mary——Plan of peace——Negociations——Campaign of 1678——Negociations——Peace of Nimeguen——State of affairs in Scotland.

Page 1

CHAP. LXVII.

The popiſh plot——Oates's narrative and character——Coleman's letters——Godfrey's murder——General conſternation——The parliament——

Zeal

Zeal of the parliament — Bedloe's narrative — Accuſation of Danby — His impeachment — Diſſolution of the long parliament — Its character — Trial of Coleman — Of Ireland — New elections — Duke of Monmouth — Duke of York retires to Bruſſels — New parliament — Danby's impeachment — Popiſh plot — New council — Limitations on a popiſh ſucceſſor — Bill of excluſion — Habeas corpus bill — Prorogation and diſſolution of the parliament — Trial and execution of the five jeſuits — and of Langhorne — Wakeman acquitted — State of affairs in Scotland — Battle of Bothwel-bridge. Page 62

CHAP. LXVIII.

State of parties — State of the miniſtry — Meal-tub plot — Whig and Tory — A new parliament — Violence of the commons — Excluſion bill — Arguments for and againſt the excluſion — Excluſion bill rejected — Trial of Stafford — His execution — Violence of the commons — Diſſolution of the parliament — New parliament at Oxford — Fitzharris's caſe — Parliament diſſolved — Victory of the royaliſts. 118

CHAP. LXIX.

State of affairs in Ireland — Shafteſbury acquitted — Argyle's trial — State of affairs in Scotland — State of the miniſtry in England — New nomination

mination of Sheriffs——Quo warrantos——Great power of the crown——A conſpiracy——Shafteſbury retires and dies——Rye-houſe plot——Conſpiracy diſcovered——Execution of the conſpirators——Trial of lord Ruſſel——His execution——Trial of Algernon Sidney——His execution——State of the nation——State of foreign affairs——King's ſickneſs and death——and character.

Page 161

JAMES II.

CHAP. LXX.

King's firſt tranſactions——A parliament——Arguments for and againſt a revenue for life——Oates convicted of perjury——Monmouth's invaſion——His defeat——and execution——Cruelties of Kirke——and of Jefferies——State of affairs in Scotland——Argyle's invaſion——defeat——and execution——A parliament——French perſecutions——The diſpenſing power——State of Ireland——Breach betwixt the king and the church——Court of eccleſiaſtical commiſſion——Sentence againſt the biſhop of London——Suſpenſion of the penal laws——State of Ireland——Embaſſy to Rome——Attempt upon Magdalen College——Impriſonment——trial, and acquittal of the biſhops——Birth of the prince of Wales. 215

CHAP. LXXI.

Conduct of the prince of Orange——He forms a league againſt France——refuſes to concur with the King——reſolves

——*reſolves to oppoſe the King*——*is applied to by the Engliſh*——*Coalition of parties*——*Prince's preparations*——*Offers of France to the King*—— *rejected*——*Suppoſed league with France*——*General diſcontents*——*The king retracts his meaſures*——*Prince's declaration*——*The prince lands in England*——*General commotion*——*Deſertion of the army*——*and of prince George*——*and of the princeſs Anne*——*King's conſternation*——*and flight*——*General confuſion*——*King ſeized at Feverſham*——*Second eſcape*——*King's character*——*Convention ſummoned*——*Settlement of Scotland*——*Engliſh convention meets*——*Views of the parties*——*Free conference between the houſes*——*Commons prevail*——*Settlement of the crown*——*Manners and ſciences.* Page 275

THE

THE

HISTORY

OF

GREAT BRITAIN.

CHAP. LXVI.

Schemes of the Cabal——Remonſtrances of Sir William Temple——Campaign of 1674——A Parliament —— Paſſive obedience —— A Parliament —— Campaign of 1675——Congreſs of Nimeguen —— Campaign of 1676 —— Uncertain conduct of the King——A Parliament——Campaign of 1677 —— Parliament's diſtruſt of the King ——Marriage of the Prince of Orange with the Lady Mary——Plan of peace——Negociations —— Campaign of 1678 —— Negociations —— Peace of Nimeguen—— State of affairs in Scotland.

CHAP. LXVI.

1674. Schemes of the Cabal.

IF we conſider the projects of the famous Cabal, it will appear hard to determine, whether the end which thoſe miniſters purſued were more blameable and pernicious, or the means, by which they were to effect it, more impolitic and imprudent. Though they might

CHAP. LXVI.

1674.

talk only of recovering or fixing the king's authority; their intention could be no other than that of making him abſolute: Since it was not poſſible to regain or maintain, in oppoſition to the people, any of thoſe powers of the crown, aboliſhed by late law or cuſtom, without ſubduing the people, and rendering the royal prerogative entirely uncontroulable. Againſt ſuch a ſcheme, they might foreſee, that every part of the nation would declare themſelves, not only the old parliamentary faction, which, though they kept not in a body, were ſtill numerous; but even the greateſt royaliſts, who were indeed attached to monarchy, but deſired to ſee it limited and reſtrained by law. It had appeared, that the preſent parliament, though elected during the greateſt prevalence of the royal party, was yet tenacious of popular privileges, and retained a conſiderable jealouſy of the crown, even before they had received any juſt ground of ſuſpicion. The guards, therefore, together with a ſmall army, new levied, and undiſciplined, and compoſed too of Engliſhmen, were almoſt the only domeſtic reſources which the king could depend on in the proſecution of theſe dangerous counſels.

THE aſſiſtance of the French king was, no doubt, deemed, by the Cabal, a conſiderable ſupport in the ſchemes which they were forming; but it is not eaſily conceived, that they could imagine themſelves capable of directing and employing an aſſociate of ſo domineering a character. They ought juſtly to have ſuſpected that it would be the ſole intention of Lewis, as it evidently was his intereſt, to raiſe incurable jealouſies beween the king and his people; and that he ſaw how much a ſteddy uniform government in this iſland, whether free or abſolute, would form invincible barriers to his ambition. Should his aſſiſtance be demanded; if he ſent a ſmall ſupply, it would ſerve only to enrage the people, and render

render the breach altogether irreparable; if he furniſhed a great force, ſufficient to ſubdue the nation, there was little reaſon to truſt his generoſity, with regard to the uſe which he would make of this advantage. CHAP. LXVI. 1674.

In all its other parts the plan of the Cabal, it muſt be confeſſed, appears equally abſurd and incongruous. If the war with Holland were attended with great ſucceſs, and involved the ſubjection of the republic; ſuch an acceſſion of force muſt fall to Lewis, not to Charles: And what hopes afterwards of reſiſting by the greateſt unanimity ſo mighty a monarch? How dangerous, or rather how ruinous to depend upon his aſſiſtance againſt domeſtic diſcontents? If the Dutch, by their own vigour, and the aſſiſtance of allies, were able to defend themſelves, and could bring the war to an equality, the French arms would be ſo employed abroad, that no conſiderable reinforcement could thence be expected to ſecond the king's enterprizes in England. And might not the project of overawing or ſubduing the people be eſteemed, of itſelf, ſufficiently odious, without the aggravation of ſacrificing that State, which they regarded as their beſt ally, and with which, on many accounts, they were deſirous of maintaining the greateſt concord and ſtricteſt confederacy?

Whatever views likewiſe might be entertained of promoting by theſe meaſures the catholic religion; they could only tend to render all the other ſchemes abortive, and make them fall with inevitable ruin upon the projectors. The catholic religion, indeed, where it is eſtabliſhed, is better fitted than the proteſtant for ſupporting an abſolute monarchy; but would any man have thought of it as the means of acquiring arbitrary authority in England, where it was more deteſted than even ſlavery itſelf?

It muſt be allowed, that the difficulties, and even inconſiſtencies, attending the ſchemes of the Cabal, are ſo numerous and obvious, that one feels at firſt an inclina-

CHAP. LXVI. 1674.

tion to deny the reality of thoſe ſchemes, and to ſuppoſe them entirely the chimeras of calumny and faction. But the utter impoſſibility of accounting, by any other hypotheſis, for thoſe ſtrange meaſures embraced by the court, as well as for the numerous circumſtances which accompanied them, obliges us to acknowledge (though there remains no direct evidence of it [a]) that a formal plan was

[a] Since the publication of this Hiſtory, the Author has had occaſion to ſee the moſt direct and poſitive evidence of this conſpiracy. From the humanity and candour of the Principal of the Scotch College at Paris, he was admitted to peruſe James the Second's Memoirs, kept there. They amount to ſeveral volumes of ſmall folio, all writ with that prince's own hand, and comprehending the remarkable incidents of his life, from his early youth till near the time of his death. His account of the French alliance is as follows: The intention of the king and duke was chiefly to change the religion of England, which they deemed an eaſy undertaking, becauſe of the great propenſity, as they imagined, of the cavaliers and church party to popery: The treaty with Lewis was concluded at Verſailles in the end of 1669, or beginning of 1670, by Lord Arundel of Wardour, whom no hiſtorian mentions as having had any hand in theſe tranſactions. The purport of it was, that Lewis was to give Charles 200,000 pounds a year in quarterly payments, in order to enable him to ſettle the catholic religion in England; and he was alſo to ſupply him with an army of 6000 men in caſe of any inſurrection. When that work was finiſhed, England was to join with France in making war upon Holland. In caſe of ſucceſs, Lewis was to have the inland provinces, the prince of Orange Holland in ſovereignty, and Charles, Sluice, the Brille, Walkeren, with the reſt of the ſea-ports as far as Mazeland Sluice. The king's project was firſt to effect the change of religion in England; but the Dutcheſs of Orleans, in the interview at Dover, perſuaded him to begin with the Dutch war, contrary to the remonſtrances of the duke of York, who inſiſted that Lewis, after ſerving his own purpoſes, would no longer trouble himſelf about England. The duke makes no mention of any deſign to render the king abſolute; but that was, no doubt, implied in the other project, which was to be effected entirely by royal authority. The king was ſo zealous a papiſt, that he wept for joy when he ſaw the proſpect of re-uniting his kingdom to the catholic church.

Sir John Dalrymple has ſince publiſhed ſome other curious particulars with regard to this treaty. We find, that it was concerted and ſigned with the privity alone of four popiſh counſellors of the king's, Arlington, Arundel, Clifford, and Sir Richard Bealing. The ſecret was kept from Buckingham, Aſhley, and Lauderdale. In order to engage them to take part in it, a very refined and a very mean artifice was fallen upon by the king. After the ſecret concluſion and ſignature of the treaty, the king pretended to theſe three miniſters that he wiſhed to have a treaty and alliance with France for mutual ſupport,

CHAP. LXVI.

1674.

ſaid for changing the religion, and ſubverting the conſtitution, of England, and that the king and the miniſtry were in reality conſpirators againſt the people. What is moſt probable in human affairs is not always true; and a very minute circumſtance, overlooked in our ſpeculations, ſerves often to explain events, which may ſeem the moſt ſurprizing and unaccountable. Though the king poſſeſſed penetration and a ſound judgment, his capacity was chiefly fitted for ſmaller matters [b], and the ordinary occurrences of life; nor had he application enough to carry his view to diſtant conſequences, or to digeſt and adjuſt any plan of political operations. As he ſcarcely ever thought twice on any one ſubject, every appearance of advantage was apt to ſeduce him; and when he found his way obſtructed by unlooked-for difficulties, he readily turned aſide into the firſt path, where he expected more to gratify the natural indolence of his diſpoſition. To this verſality or pliancy of genius, he himſelf was inclined to truſt; and he thought, that after trying an experiment of enlarging his authority, and altering

ſupport, and for a Dutch war; and when various pretended obſtacles and difficulties were ſurmounted, a ſham-treaty was concluded with their conſent and approbation, containing every article of the former real treaty, except that of the king's change of religion. However, there was virtually involved even in this treaty, the aſſuming of abſolute government in England: For the ſupport of French troops, and a war with Holland, ſo contrary to the intereſts and inclinations of his people, could mean nothing elſe. One cannot ſufficiently admire the abſolute want of common ſenſe, which appears throughout the whole of this criminal tranſaction. For if popery was ſo much the object of national horror, that even the king's three miniſters, Buckingham, Aſhley, and Lauderdale, and ſuch profligate ones too, either would not, or durſt not receive it, what hopes could he entertain of forcing the nation into that communion? Conſidering the ſtate of the kingdom, full of veteran and zealous ſoldiers, bred during the civil wars, it is probable that he had not kept the crown two months after a declaration ſo wild and extravagant. This was probably the reaſon why the king of France and the French miniſters always diſſuaded him from taking off the maſk, till the ſucceſſes of the Dutch war ſhould render that meaſure prudent and practicable.

[b] Duke of Buckingham's character of K. Charles II.

CHAP. LXVI.

1674.

the national religion, he could eaſily, if it failed, return into the ordinary channel of government. But the ſuſpicions of the people, though they burſt not forth at once, were by this attempt rendered altogether incurable; and the more they reflected on the circumſtances attending it, the more reſentment and jealouſy were they apt to entertain. They obſerved, that the king never had any favourite; that he was never governed by his miniſters, ſcarcely even by his miſtreſſes; and that he himſelf was the chief ſpring of all public counſels. Whatever appearance, therefore, of a change might be aſſumed, they ſtill ſuſpected, that the ſame project was ſecretly in agitation; and they deemed no precaution too great to ſecure them againſt the pernicious conſequences of ſuch meaſures.

THE king, ſenſible of this jealouſy, was inclined thenceforth not to truſt his people, of whom he had even before entertained a great diffidence; and, though obliged to make a ſeparate peace, he ſtill kept up connexions with the French monarch. He apologized for deſerting his ally, by repreſenting to him all the real undiſſembled difficulties under which he laboured; and Lewis, with the greateſt complaiſance and good humour, admitted the validity of his excuſes. The duke likewiſe, conſcious that his principles and conduct had rendered him ſtill more obnoxious to the people, maintained on his own account a ſeparate correſpondence with the French court, and entered into particular connexions with Lewis, which theſe princes dignified with the name of friendſhip. The duke had only in view to ſecure his ſucceſſion, and favour the catholics; and it muſt be acknowledged to his praiſe, that, though his ſchemes were, in ſome particulars, dangerous to the people, they gave the king no juſt ground of jealouſy. A dutiful ſubject, and an affectionate brother, he knew no other rule of conduct than obedience; and the ſame unlimited ſubmiſſion which afterwards, when king, he

CHAP. LXVI.

1674.

he exacted of his people, he was ever willing, before he aſcended the throne, to pay to his ſovereign.

As the king was at peace with all the world, and almoſt the only prince in Europe placed in that agreeable ſituation, he thought proper to offer his mediation to the contending powers, in order to compoſe their differences. France, willing to negociate under ſo favourable a mediator, readily accepted of Charles's offer; but it was apprehended, that, for a like reaſon, the allies would be inclined to refuſe it. In order to give a ſanction to his new meaſures, the king invited Temple from his retreat, and appointed him ambaſſador to the States. That wiſe miniſter, reflecting on the unhappy iſſue of his former undertakings, and the fatal turn of counſels, which had occaſioned it, reſolved, before he embarked anew, to acquaint himſelf, as far as poſſible, with the real intentions of the king, in thoſe popular meaſures, which he ſeemed again to have adopted. After blaming the dangerous ſchemes of the Cabal, which Charles was deſirous to excuſe, he told his majeſty very plainly, that he would find it extremely difficult, if not abſolutely impoſſible, to introduce into England the ſame ſyſtem of government and religion which was eſtabliſhed in France: That the univerſal bent of the nation was againſt both; and it required ages to change the genius and ſentiments of a people: That many, who were at bottom indifferent in matters of religion, would yet oppoſe all alterations on that head; becauſe they conſidered, that nothing but force of arms could ſubdue the reluctance of the people againſt popery; after which, they knew, there could be no ſecurity for civil liberty: That in France every circumſtance had long been adjuſted to that ſyſtem of government, and tended to its eſtabliſhment and ſupport: That the commonalty, being poor and diſpirited, were of no account; the nobility, engaged by the proſpect or poſſeſſion of nu-

Remonſtrances of Sir W. Temple.

CHAP. LXVI.

1674.

merous offices, civil and military, were entirely attached to the court; the eccleſiaſtics, retained by like motives, added the ſanction of religion to the principles of civil policy: That in England a great part of the landed property belonged either to the yeomanry or middling gentry; the king had few offices to beſtow; and could not himſelf even ſubſiſt, much leſs maintain an army, except by the voluntary ſupplies of his parliament: That if he had an army on foot, yet, if compoſed of Engliſhmen, they would never be prevailed on to promote ends which the people ſo much feared and hated: That the Roman catholics in England were not the hundredth part of the nation, and in Scotland not the two hundredth; and it ſeemed againſt all common ſenſe to hope, by one part, to govern ninety-nine, who were of contrary ſentiments and diſpoſitions: And that foreign troops, if few, would tend only to inflame hatred and diſcontent; and how to raiſe and bring over at once, or to maintain many, it was very difficult to imagine. To theſe reaſonings Temple added the authority of Gourville, a Frenchman, for whom he knew the king had entertained a great eſteem. "A "king of England," ſaid Gourville, "who will be *the man* "*of his people*, is the greateſt king in the world: But if "he will be any thing more, he is nothing at all." The king heard, at firſt, this diſcourſe with ſome impatience; but being a dextrous diſſembler, he ſeemed moved at laſt, and laying his hand on Temple's, ſaid, with an appearing cordiality, "And I will be the man of my people."

TEMPLE, when he went abroad, ſoon found, that the ſcheme of mediating a peace was likely to prove abortive. The allies, beſides their jealouſy of the king's mediation, expreſſed a great ardour for the continuance of war. Holland had ſtipulated with Spain never to come to an accommodation, till all things in Flanders were reſtored to the condition in which they had been left by the Pyrenean

nean treaty. The emperor had high pretenſions in Alſace; and as the greater part of the empire joined in the alliance, it was hoped that France, ſo much over-matched in force, would ſoon be obliged to ſubmit to the terms demanded of her. The Dutch, indeed, oppreſſed by heavy taxes, as well as checked in their commerce, were deſirous of peace; and had few or no claims of their own to retard it: But they could not in gratitude, or even in good policy, abandon allies, to whoſe protection they had ſo lately been indebted for their ſafety. The prince of Orange likewiſe, who had great influence in their councils, was all on fire for military fame, and was well pleaſed to be at the head of armies, from which ſuch mighty ſucceſſes were expected. Under various pretences, he eluded, during the whole campaign, the meeting with Temple; and after the troops were ſent into winter-quarters, he told that miniſter, in his firſt audience, that till greater impreſſion were made on France, reaſonable terms could not be hoped for; and it were therefore vain to negociate. CHAP. LXVI. 1674.

THE ſucceſs of the campaign had not anſwered expectation. The prince of Orange, with a ſuperior army, was oppoſed in Flanders to the prince of Condé, and had hoped to penetrate into France by that quarter, where the frontier was then very feeble. After long endeavouring, though in vain, to bring Condé to a battle, he raſhly expoſed, at Seneffe, a wing of his army; and that active prince failed not at once to ſee and to ſeize the advantage. But this imprudence of the prince of Orange was amply compenſated by his behaviour in that obſtinate and bloody action which enſued. He rallied his diſmayed troops; he led them to the charge; he puſhed the veteran and martial troops of France; and he obliged the prince of Condé, notwithſtanding his age and character, to exert greater efforts, and to riſque his perſon more than in any action, where Campaign in 1674.

CHAP. LXVI.

1674.

where, even during the heat of youth, he had ever commanded. After ſun-ſet, the action was continued by the light of the moon; and it was darkneſs at laſt, not the wearineſs of the combatants, which put an end to the conteſt, and left the victory undecided. "The prince of "Orange," ſaid Condé, with candour and generoſity, "has acted, in every thing, like an old captain, except "venturing his life too like a young ſoldier." Oudenarde was afterwards inveſted by the prince of Orange; but he was obliged, by the Imperial and Spaniſh generals, to raiſe the ſiege on the approach of the enemy. He afterwards beſieged and took Grave; and at the beginning of winter, the allied armies broke up, with great diſcontents and complaints on all ſides.

THE allies were not more ſucceſsful in other places. Lewis, in a few weeks, reconquered Franchecomté. In Alſace, Turenne diſplayed againſt a much ſuperior enemy, all that military ſkill, which had long rendered him the moſt renowned captain of his age and nation. By a ſudden and forced march, he attacked and beat at Sintzheim the duke of Lorrain and Caprara, general of the Imperialiſts. Seventy thouſand Germans poured into Alſace, and took up their quarters in that province. Turenne, who had retired into Lorrain, returned unexpectedly upon them. He attacked and defeated a body of the enemy at Mulhauſen. He chaced from Colmar the elector of Brandenburgh, who commanded the German troops. He gained a new advantage at Turkheim. And having diſlodged all the allies, he obliged them to repaſs the Rhine, full of ſhame for their multiplied defeats, and ſtill more, of anger and complaints againſt each other.

IN England, all theſe events were conſidered by the people with great anxiety and concern; though the king and his miniſters affected great indifference with regard to them. Conſiderable alterations were about this time made

made in the Engliſh miniſtry. Buckingham was diſ- CHAP. LXVI.
miſſed, who had long, by his wit and entertaining humour, poſſeſſed the king's favour. Arlington, now 1674.
chamberlain, and Danby the treaſurer, poſſeſſed chiefly the king's confidence. Great hatred and jealouſy took place between theſe miniſters; and public affairs were ſomewhat diſturbed by their quarrels. But Danby daily gained ground with his maſter. And Arlington declined in the ſame proportion. Danby was a frugal miniſter; and, by his application and induſtry, he brought the revenue into tolerable order. He endeavoured ſo to conduct himſelf as to give offence to no party; and the conſequence was, that he was able entirely to pleaſe none. He was a declared enemy to the French alliance; but never poſſeſſed authority enough to overcome the prepoſſeſſions which the king and the duke retained towards it. It muſt be aſcribed to the prevalence of that intereſt, aided by money remitted from Paris, that the parliament was aſſembled ſo late this year; leſt they ſhould attempt to engage the king in meaſures againſt France, during the enſuing campaign. They met not till the approach of 1675.
ſummer [a]. 13th April.

A parliament.

EVERY ſtep, taken by the commons, diſcovered that ill-humour and jealouſy, to which the late open meaſures of the king, and his preſent ſecret attachments, gave but too juſt foundation. They drew up a new bill againſt popery, and reſolved to inſert in it many ſevere clauſes for the detection and proſecution of prieſts: They preſented addreſſes a ſecond time againſt Lauderdale; and when the king's anſwer was not ſatisfactory, they ſeemed ſtill determined to perſevere in their applications: An accuſation was moved againſt Danby; but upon ex-

[a] This year, on the 25th of March, died Henry Cromwel, ſecond ſon of the protector, in the 47th year of his age. He had lived unmoleſted in a private ſtation, ever ſince the king's reſtoration, which he rather favoured than oppoſed.

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CHAP. LXVI.

1675.

amining the ſeveral articles, it was not found to contain any juſt reaſons of a proſecution; and was therefore dropped: They applied to the king for recalling his troops from the French ſervice; and as he only promiſed that they ſhould not be recruited, they appeared to be much diſſatisfied with the anſwer: A bill was brought in, making it treaſon to levy money without authority of parliament: Another vacating the ſeats of ſuch members as accepted of offices: Another to ſecure the perſonal liberty of the ſubject, and to prevent ſending any perſon priſoner beyond ſea.

THAT the court party might not be idle during theſe attacks, a bill for a new teſt was introduced into the houſe of peers by the earl of Lindeſey. All members of either houſe, and all who poſſeſſed any office, were by this bill required to ſwear, that it was not lawful, upon any pretence whatſoever, to take arms againſt the king; that they abhorred the traiterous poſition, of taking arms by his authority againſt his perſon, or againſt thoſe who were commiſſioned by him; and that they will not at any time endeavour the alteration of the proteſtant religion, or of the eſtabliſhed government either in church or ſtate.

Paſſive obedience.

GREAT oppoſition was made to this bill; as might be expected from the preſent diſpoſition of the nation. During ſeventeen days, the debates were carried on with much zeal; and all the reaſon and learning of both parties were diſplayed on the occaſion. The queſtion, indeed, with regard to reſiſtance, was a point which entered into the controverſies of the old parties, cavalier and roundhead; as it made an eſſential part of the preſent diſputes between court and country. Few neuters were found in the nation: But among ſuch as could maintain a calm indifference, the prevailed ſentiments wide of thoſe which were adopted by either party. Such perſons thought, that all general, ſpeculative declarations of the

legiſlature, either for or againſt reſiſtance, were equally impolitic, and could ſerve to no other purpoſe, than to ſignalize in their turn the triumph of one faction over another: That the ſimplicity retained in the ancient laws of England, as well as in the laws of every other country, ought ſtill to be preſerved, and was beſt calculated to prevent the extremes on either ſide: That the abſolute excluſion of reſiſtance, in all poſſible caſes, was founded on *falſe* principles; its expreſs admiſſion might be attended with *dangerous* conſequences; and there was no neceſſity for expoſing the public to either inconvenience: That if a choice muſt neceſſarily be made in the caſe, the preference of utility to truth in public inſtitutions was apparent; nor could the ſuppoſition of reſiſtance beforehand, and in general terms, be ſafely admitted in any government: That even in mixt monarchies, where that ſuppoſition ſeemed moſt requiſite, it was yet intirely ſuperfluous; ſince no man, on the approach of extraordinary neceſſity, could be at a loſs, though not directed by legal declarations, to find the proper remedy: That even thoſe who might, at a diſtance, and by ſcholaſtic reaſoning, exclude all reſiſtance, would yet hearken to the voice of nature; when evident ruin, both to themſelves and to the public, muſt attend a ſtrict adherence to their pretended principles: That the queſtion, as it ought thus to be entirely excluded from all determinations of the legiſlature, was, even among private reaſoners, ſomewhat frivolous, and little better than a diſpute of words: That the one party could not pretend that reſiſtance ought ever to become a familiar practice; the other would ſurely have recourſe to it in great extremities: And thus the difference could only turn on the degrees of danger or oppreſſion, which would warrant this irregular remedy; a difference, which, in a general queſtion, it was impoſſible, by any language, preciſely to fix or determine.

CHAP. LXVI. 1675.

THERE

CHAP. LXVI.

1675.

THERE were many other abſurdities in this teſt, particularly that of binding men by oath not to alter the government either in church or ſtate; ſince all human inſtitutions are liable to abuſe, and require continual amendments, which are, in reality, ſo many alterations. It is not indeed poſſible to make a law which does not innovate, more or leſs, in the government. Theſe difficulties produced ſuch obſtructions to the bill, that it was carried only by two voices in the houſe of peers. All the popiſh lords, headed by the earl of Briſtol, voted againſt it. It was ſent down to the houſe of commons, where it was likely to undergo a ſcrutiny ſtill more ſevere.

BUT a quarrel, which enſued between the two houſes, prevented the paſſing of every bill projected during the preſent ſeſſion. One Dr. Shirley, being caſt in a law-ſuit before chancery againſt Sir John Fag, a member of the houſe of commons, preferred a petition of appeal to the houſe of peers. The Lords received it, and ſummoned Fag to appear before them. He complained to the lower houſe, who eſpouſed his cauſe. They not only maintained, that no member of their houſe could be ſummoned before the peers: They alſo aſſerted, that the upper-houſe could receive no appeals from any court of equity; a pretenſion which extremely retrenched the juriſdiction of the peers, and which was contrary to the practice that had prevailed during this whole century. The commons ſend Shirley to priſon; the lords aſſert their powers. Conferences are tried; but no accommodation enſues. Four lawyers are ſent to the Tower by the commons, for tranſgreſſing the orders of the houſe, and pleading in this cauſe before the peers. The peers denominate this arbitrary commitment a breach of the great charter, and order the lieutenant of the Tower to releaſe the priſoners: He declines obedience: They apply to the king, and deſire him to puniſh the lieutenant for his contempt.

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The king ſummons both houſes; exhorts them to unanimity; and informs them, that the preſent quarrel had ariſen from the contrivance of his and their enemies, who expected by that means to force a diſſolution of the parliament. His advice has no effect: The commons continue as violent as ever; and the king, finding that no buſineſs could be finiſhed, at laſt prorogued the parliament. CHAP. LXVI. 1675. 8th June.

WHEN the parliament was again aſſembled, there appeared not in any reſpect a change in the diſpoſitions of either houſe. The king deſired ſupplies, as well for the building of ſhips, as for taking off anticipations, which lay upon his revenue. He even confeſſed, that he had not been altogether ſo frugal as he might have been, and as he reſolved to be for the future; though he aſſerted, that, to his great ſatisfaction, he had found his expences by no means ſo exorbitant as ſome had repreſented them. The commons took into conſideration the ſubject of ſupply. They voted 300,000 pounds for the building of ſhips; but they appropriated the ſum by very ſtrict clauſes. They paſſed a reſolution not to grant any ſupply for taking off the anticipations of the revenue [c]. This vote was carried in a full houſe, by a majority of four only: So nearly were the parties balanced. The quarrel was revived, to which Dr. Shirley's cauſe had given occaſion. The proceedings of the commons diſcovered the ſame violence as during the laſt ſeſſion. A motion was made in the houſe of peers, but rejected, for addreſſing the king to diſſolve the preſent parliament. The king contented himſelf with proroguing them to a very long term. Whether theſe quarrels between the houſes aroſe from contrivance or accident was not certainly known. Each 13th Oct. A parliament. 22d Nov.

[c] Several hiſtorians have affirmed, that the commons found, this ſeſſion, upon enquiry, that the king's revenue was 1,600,000 pounds a year, and that the neceſſary expence was but 700,000 pounds; and have appealed to the Journals for a proof. But there is not the leaſt appearance of this in the Journals; and the fact is impoſſible.

CHAP. LXVI.

1675.

party might, according to their different views, eſteem themſelves either gainers or loſers by them. The court might deſire to obſtruct all attacks from the commons, by giving them other employment. The country party might deſire the diſſolution of a parliament, which, notwithſtanding all diſguſts, ſtill contained too many royaliſts, ever to ſerve all the purpoſes of the malcontents.

Soon after the prorogation, there paſſed an incident, which in itſelf is trivial, but tends ſtrongly to mark the genius of the Engliſh government, and of Charles's adminiſtration, during this period. The liberty of the conſtitution, and the variety as well as violence of the parties, had begotten a propenſity for political converſation; and as the coffee-houſes in particular were the ſcenes, where the conduct of the king and the miniſtry was canvaſſed with great freedom, a proclamation was iſſued to ſuppreſs theſe places of rendezvous. Such an act of power, during former reigns, would have been grounded entirely on the prerogative; and before the acceſſion of the houſe of Stuart, no ſcruple would have been entertained with regard to that exerciſe of authority. But Charles, finding doubts to ariſe upon his proclamation, had recourſe to the judges, who ſupplied him with a chicane, and that too a frivolous one, by which he might juſtify his proceedings. The law, which ſettled the exciſe, enacted, that licences for retailing liquors might be refuſed to ſuch as could not find ſecurity for payment of the duties. But coffee was not a liquor ſubjected to exciſe; and even this power of refuſing licences was very limited, and could not reaſonably be extended beyond the intention of the act. The king therefore, obſerving the people to be much diſſatisfied, yielded to a petition of the coffee-men, who promiſed for the future to reſtrain all ſeditious diſcourſe in their houſes; and the proclamation was recalled.

This

CHAP. LXVI.

1675. Campaign of 1675.

THIS campaign proved more fortunate to the confederates than any other during the whole war. The French took the field in Flanders with a numerous army; and Lewis himſelf ſerved as a volunteer under the prince of Condé. But notwithſtanding his great preparations, he could gain no advantages but the taking of Huy and Limbourg, places of ſmall conſequence. The prince of Orange, with a conſiderable army, oppoſed him in all his motions; and neither ſide was willing, without a viſible advantage, to hazard a general action, which might be attended either with the entire loſs of Flanders on the one hand, or the invaſion of France on the other. Lewis, tired of ſo unactive a campaign, returned to Verſailles; and the whole ſummer paſſed in the Low Countries without any memorable event.

TURENNE commanded on the Upper Rhine, in oppoſition to his great rival Montecuculi, general of the Imperialiſts. The object of the latter was to paſs the Rhine, to penetrate into Alſace, Lorraine, or Burgundy, and to fix his quarters in theſe provinces: The aim of the former was to guard the French frontiers, and to diſappoint all the ſchemes of his enemy. The moſt conſummate ſkill was diſplayed on both ſides; and if any ſuperiority appeared in Turenne's conduct, it was chiefly aſcribed to his greater vigour of body, by which he was enabled to inſpect all the poſts in perſon, and could on the ſpot take the juſteſt meaſures for the execution of his deſigns. By poſting himſelf on the German ſide of the Rhine, he not only kept Montecuculi from paſſing that river: He had alſo laid his plan in ſo maſterly a manner, that, in a few days, he muſt have obliged the Germans to decamp, and have gained a conſiderable advantage over them; when a period was put to his life, by a random ſhot, which ſtruck him on the breaſt as he was taking a view of the enemy. The conſternation of his army

CHAP. LXVI.

1675.

was inexpreſſible. The French troops, who, a moment before, were aſſured of victory, now conſidered themſelves as entirely vanquiſhed; and the Germans, who would have been glad to compound for a ſafe retreat, expected no leſs than the total deſtruction of their enemy. But de Lorges, nephew to Turenne, ſucceeded him in the command, and poſſeſſed a great ſhare of the genius and capacity of his predeceſſor. By his ſkilful operations, the French were enabled to repaſs the Rhine, without conſiderable loſs; and this retreat was deemed equally glorious with the greateſt victory. The valour of the Engliſh troops, who were placed in the rear, greatly contributed to ſave the French army. They had been ſeized with the ſame paſſion as the native troops of France, for their brave general, and fought with ardour to revenge his death on the Germans. The duke of Marlborough, then captain Churchill, here learned the rudiments of that art, which he afterwards practiſed with ſuch fatal ſucceſs againſt France.

THE prince of Condé left the army in Flanders under the command of Luxembourg; and carrying with him a conſiderable reinforcement, ſucceeded to Turenne's command. He defended Alſace from the Germans, who had paſſed the Rhine, and invaded that province. He obliged them firſt to raiſe the ſiege of Hagenau, then that of Saberne. He eluded all their attempts to bring him to a battle. And having dexterouſly prevented them from eſtabliſhing themſelves in Alſace, he forced them, notwithſtanding their ſuperiority of numbers, to repaſs the Rhine, and to take up winter-quarters in their own country.

AFTER the death of Turenne, a detachment of the German army was ſent to the ſiege of Treves: An enterprize, in which the Imperialiſts, the Spaniards, the Palatine, the duke of Lorraine, and many other princes paſſionately concurred. The project was well concerted, and

and executed with vigour. Mareſchal Crequi, on the other hand, collected an army, and advanced with a view of forcing the Germans to raiſe the ſiege. They left a detachment to guard their lines, and under the command of the dukes of Zell and Oſnaburgh, marched in queſt of the enemy. At Conſarbric, they fell unexpectedly, and with ſuperior numbers, on Crequi, and put him to rout. He eſcaped with four attendants only; and throwing himſelf into Treves, reſolved, by a vigorous defence, to make atonement for his former error or misfortune. The garriſon was brave, but not abandoned to that total deſpair, by which their governor was actuated. They mutinied againſt his obſtinacy; capitulated for themſelves; and becauſe he refuſed to ſign the capitulation, they delivered him a priſoner into the hands of the enemy. CHAP. LXVI. 1675.

It is remarkable, that this defeat, given to Crequi, is almoſt the only one, which the French received at land, from Rocroi to Blenheim, during the courſe of above ſixty years; and theſe too, full of bloody wars againſt potent and martial enemies: Their victories almoſt equal the number of years during that period. Such was the vigour and good conduct of that monarchy! And ſuch too were the reſources and refined policy of the other European nations, by which they were enabled to repair their loſſes, and ſtill to confine that mighty power nearly within its ancient limits! A fifth part of theſe victories would have ſufficed, in another period, to have given to France the empire of Europe.

The Swedes had been engaged, by the payment of large ſubſidies, to take part with Lewis, and invade the territories of the elector of Brandenburgh in Pomeraoia. That elector, joined by ſome Imperialiſts from Sileſia, fell upon them with bravery and ſucceſs. He ſoon obliged them to evacuate his part of that country, and he purſued

CHAP. LXVI. 1675.

fued them into their own. He had an interview with the king of Denmark, who had now joined the confederates, and reſolved to declare war againſt Sweden. Theſe princes concerted meaſures for puſhing the victory.

To all theſe misfortunes againſt foreign enemies were added ſome domeſtic inſurrections of the common people in Guienne and Brittany. Though ſoon ſuppreſſed, they divided the force and attention of Lewis. The only advantage, gained by the French, was at ſea. Meſſina in Sicily had revolted; and a fleet under the duke de Vivonne was diſpatched to ſupport the rebels. The Dutch had ſent a ſquadron to aſſiſt the Spaniards. A battle enſued, where de Ruyter was killed. This event alone was thought equivalent to a victory.

THE French, who, twelve years before, had ſcarcely a ſhip of war in any of their harbours, had raiſed themſelves, by means of perſeverance and policy, to be, in their preſent force, though not in their reſources, the firſt maritime power in Europe. The Dutch, while in alliance with them againſt England, had ſupplied them with ſeveral veſſels, and had taught them the rudiments of the difficult art of ſhip-building. The Engliſh next, when in alliance with them againſt Holland, inſtructed them in the method of fighting their ſhips, and of preſerving order in naval engagements. Lewis availed himſelf of every opportunity to aggrandize his people, while Charles, ſunk in indolence and pleaſure, neglected all the noble arts of government; or if at any time he rouſed himſelf from his lethargy, that induſtry, by reaſon of the unhappy projects which he embraced, was often more pernicious to the public than his inactivity itſelf. He was as anxious to promote the naval power of France, as if the ſafety of his crown had depended on it; and many of the plans executed in that kingdom, were firſt, it is ſaid[d], digeſted and corrected by him.

[d] Welwood, Burnet, Coke.

CHAP. LXVI.

1676.

THE ſucceſſes of the allies had been conſiderable the laſt campaign; but the Spaniards and Imperialiſts well knew, that France was not yet ſufficiently broken, nor willing to ſubmit to the terms which they reſolved to impoſe upon her. Though they could not refuſe the king's mediation, and Nimeguen, after many difficulties, was at laſt fixed on as the place of congreſs; yet under one pretence or other, they ſtill delayed ſending their ambaſſadors, and no progreſs was made in the negociation. Lord Berkeley, Sir William Temple, and Sir Lionel Jenkins, were the Engliſh miniſters at Nimeguen. The Dutch, who were impatient for peace, ſoon appeared: Lewis, who hoped to divide the allies, and who knew, that he himſelf could neither be ſeduced nor forced into a diſadvantageous peace, ſent ambaſſadors: The Swedes, who hoped to recover by treaty what they had loſt by arms, were alſo forward to negociate. But as theſe powers could not proceed of themſelves to ſettle terms, the congreſs, hitherto, ſerved merely as an amuſement to the public.

Congreſs of Nimeguen.

IT was by the events of the campaign, not the conferences among the negociators, that the articles of peace were to be determined. The Spaniſh towns, ill fortified and worſe defended, made but a feeble reſiſtance to Lewis; who, by laying up magazines during the winter, was able to take the field early in the ſpring, before the forage could be found in the open country. In the month of April he laid ſiege to Condé, and took it by ſtorm in four days. Having ſent the duke of Orleans to beſiege Bouchaine, a ſmall but important fortreſs, he poſted himſelf ſo advantageouſly with his main army, as to hinder the confederates from relieving it, or fighting without diſadvantage. The prince of Orange, in ſpite of the difficulties of the ſeaſon, and the want of proviſions, came in ſight of the French army; but his induſtry ſerved to no

Campaign of 1676.

CHAP. LXVI.

other purpoſe than to render him ſpectator of the ſurrender of Bouchaine. Both armies ſtood in awe of each other,

1676. and were unwilling to hazard an action, which might be attended with the moſt important conſequences. Lewis, though he wanted not perſonal courage, was little enterprizing in the field; and being reſolved this campaign to reſt contented with the advantages which he had ſo early obtained, he thought proper to entruſt his army to mareſchal Schomberg, and retired himſelf to Verſailles. After his departure, the prince of Orange laid ſiege to Maeſtricht; but meeting with an obſtinate reſiſtance, he was obliged, on the approach of Schomberg, who in the mean time had taken Aire, to raiſe the ſiege. He was incapable of yielding to adverſity, or bending under misfortunes; But he began to foreſee, that, by the negligence and errors of his allies, the war in Flanders muſt neceſſarily have a very unfortunate iſſue.

On the Upper Rhine, Philipſbourg was taken by the Imperialiſts. In Pomerania, the Swedes were ſo unſucceſsful againſt the Danes and Brandenburghers, that they ſeemed to be loſing apace all thoſe poſſeſſions, which, with ſo much valour and good fortune, they had acquired in Germany.

About the beginning of winter, the congreſs of Nimeguen was pretty full, and the plenipotentiaries of the emperor and Spain, two powers ſtrictly conjoined by blood and alliance, at laſt appeared. The Dutch had threatened, if they abſented themſelves any longer, to proceed to a ſeparate treaty with France. In the conferences and negociations, the diſpoſition of the parties became every day more apparent.

1677. The Hollanders, loaded with debts, and haraſſed with taxes, were deſirous of putting an end to a war; in which, beſides the diſadvantages attending all leagues, the

the weakneſs of the Spaniards, the diviſions and delays of the Germans, prognoſticated nothing but diſgrace and misfortune. Their commerce languiſhed; and what gave them ſtill greater anxiety, the commerce of England, by reaſon of her neutrality, flouriſhed extremely; and they were apprehenſive, leſt advantages, once loſt, would never thoroughly be regained. They had themſelves no farther motive for continuing the war, than to ſecure a good frontier to Flanders; but gratitude to their allies ſtill engaged them to try, whether another campaign might procure a peace, which would give general ſatisfaction. The prince of Orange, urged by motives of honour, of ambition, and of animoſity againſt France, endeavoured to keep them ſteady to this reſolution. CHAP. LXVI. 1677.

THE Spaniards, not to mention the other incurable weakneſſes, into which their monarchy was fallen, were diſtracted with domeſtic diſſentions between the parties of the queen regent and Don John, natural brother to their young ſovereign. Though unable of themſelves to defend Flanders, they were reſolute not to conclude a peace, which would leave it expoſed to every aſſault or inroad; and while they made the moſt magnificent promiſes to the States, their real truſt was in the protection of England. They ſaw, that, if that ſmall but important territory were once ſubdued by France, the Hollanders, expoſed to ſo terrible a power, would fall into dependance, and would endeavour, by ſubmiſſions, to ward off that deſtruction to which a war, in the heart of their ſtate, muſt neceſſarily expoſe them. They believed, that Lewis, ſenſible how much greater advantages he might reap from the alliance than from the ſubjection of the republic, which muſt ſcatter its people, and depreſs its commerce, would be ſatisfied with very moderate conditions, and would turn his enterprizes againſt his other neighbours. They thought it impoſſible but the people and parliament

CHAP. LXVI.

1677.

of England, foreſeeing theſe obvious conſequences, muſt at laſt force the king to take part in the affairs of the continent, in which their intereſts were ſo deeply concerned. And they truſted, that even the king himſelf, on the approach of ſo great a danger, muſt open his eyes, and ſacrifice his prejudices, in favour of France, to the ſafety of his own dominions.

Uncertain conduct of the king.

BUT Charles here found himſelf entangled in ſuch oppoſite motives and engagements, as he had not reſolution enough to break, or patience to unravel. On the one hand, he always regarded his alliance with France as a ſure reſource in caſe of any commotions among his own ſubjects; and whatever ſchemes he might ſtill retain for enlarging his authority, or altering the eſtabliſhed religion, it was from that quarter alone he could expect aſſiſtance. He had actually in ſecret ſold his neutrality to France, and he received remittances of a million of livres a-year, which was afterwards encreaſed to two millions; a conſiderable ſupply in the preſent embarraſſed ſtate of his revenue. And he dreaded, leſt the parliament ſhould treat him as they had formerly done his father; and after they had engaged him in a war on the continent, ſhould take advantage of his neceſſities, and make him purchaſe ſupplies by ſacrificing his prerogative, and abandoning his miniſters.

ON the other hand, the cries of his people and parliament, ſeconded by Danby, Arlington, and moſt of his miniſters, incited him to take part with the allies, and to correct the unequal balance of power in Europe. He might apprehend danger from oppoſing ſuch earneſt deſires: He might hope for large ſupplies if he concurred with them: And however inglorious and indolent his diſpoſition, the renown of acting as arbiter of Europe, would probably at intervals rouze him from his lethargy, and move him to ſupport the high character with which he ſtood inveſted.

IT

CHAP. LXVI.

1677.

It is worthy of obſervation, that, during this period, the king was, by every one, abroad and at home, by France and by the allies, allowed to be the undiſputed arbiter of Europe; and no terms of peace, which he would have preſcribed, could have been refuſed by either party. Though France afterwards found means to reſiſt the ſame alliance, joined with England; yet was ſhe then obliged to make ſuch violent efforts as quite exhauſted her; and it was the utmoſt neceſſity which puſhed her to find reſources, far ſurpaſſing her own expectations. Charles was ſenſible, that, ſo long as the war continued abroad, he ſhould never enjoy eaſe at home, from the impatience and importunity of his ſubjects; yet could he not reſolve to impoſe a peace by openly joining himſelf with either party. Terms advantageous to the allies muſt loſe him the friendſhip of France: The contrary would enrage his parliament. Between theſe views, he perpetually fluctuated; and from his conduct, it is obſervable, that a careleſs, remiſs diſpoſition, agitated by oppoſite motives, is capable of as great inconſiſtencies as are incident even to the greateſt imbecility and folly.

15th Feb. A parliament.

The parliament was aſſembled; and the king made them a plauſible ſpeech, in which he warned them againſt all differences among themſelves; expreſſed a reſolution to do his part for bringing their conſultations to a happy iſſue; and offered his conſent to any laws for the farther ſecurity of their religion, liberty, and property. He then told them of the decayed condition of the navy; and aſked money for repairing it: He informed them, that part of his revenue, the additional exciſe, was ſoon to expire: And he added theſe words, "You may at "any time ſee the yearly eſtabliſhed expence of the "government, by which it will appear, that, the con-"ſtant and unavoidable charge being paid, there will "remain no overplus towards anſwering thoſe contin-

"gencies,

CHAP. LXVI. 1677.

" gencies, which may happen in all kingdoms, and " which have been a conſiderable burthen on me this laſt " year."

BEFORE the parliament entered upon buſineſs, they were ſtopped by a doubt, concerning the legality of their meeting. It had been enacted by an old law of Edward III. " That parliaments ſhould be held once every year, " or oftener, if need be." The laſt prorogation had been longer than a year; and being ſuppoſed on that account illegal, it was pretended to be equivalent to a diſſolution. The conſequence ſeems by no means juſt; and beſides, a later act, that which repealed the triennial law, had determined, that it was neceſſary to hold parliaments only once in three years. Such weight, however, was put on this cavil, that Buckingham, Shafteſbury, Saliſbury, and Wharton, inſiſted ſtrenuouſly in the houſe of peers on the invalidity of the parliament, and the nullity of all its future acts. For ſuch dangerous poſitions, they were ſent to the Tower, there to remain during the pleaſure of his majeſty and the houſe. Buckingham, Saliſbury, and Wharton made ſubmiſſions, and were ſoon after releaſed. But Shafteſbury, more obſtinate in his temper, and deſirous of diſtinguiſhing himſelf by his adherence to liberty, ſought the remedy of law; and being rejected by the judges, he was, at laſt, after a twelvemonth's impriſonment, obliged to make the ſame ſubmiſſions; upon which he was alſo releaſed.

THE commons at firſt ſeemed to proceed with temper. They granted the ſum of 586,000 pounds, for building thirty ſhips; though they ſtrictly appropriated the money to that ſervice. Eſtimates were given in of the expence; but it was afterwards found that they fell ſhort near 100,000 pounds. They alſo voted, agreeably to the king's requeſt, the continuance of the additional exciſe for three years. This exciſe had been granted for nine years

years in 1668. Every thing ſeemed to promiſe a peaceable and an eaſy ſeſſion. CHAP. LXVI.

1677.

But the parliament was rouſed from this tranquillity by the news received from abroad. The French king had taken the field in the middle of February, and laid ſiege to Valenciennes, which he carried in a few days by ſtorm. He next inveſted both Cambray and St. Omers. The prince of Orange, alarmed with his progreſs, haſtily aſſembled an army, and marched to the relief of St. Omers. He was encountered by the French, under the Duke of Orleans and mareſchal Luxembourg. The prince poſſeſſed great talents for war; courage, activity, vigilance, patience; but ſtill he was inferior in genius to thoſe conſummate generals, oppoſed to him by Lewis; and though he always found means to repair his loſſes, and to make head in a little time againſt the victors, he was, during his whole life, unſucceſsful. By a maſterly movement of Luxembourg, he was here defeated, and obliged to retreat to Ypres. Cambray and St. Omers were ſoon after ſurrendered to Lewis. Campaign of 1677.

This ſucceſs, derived from ſuch great power and ſuch wiſe conduct, infuſed a juſt terror into the Engliſh parliament. They addreſſed the king, repreſenting the danger to which the kingdom was expoſed from the greatneſs of France, and praying that his majeſty, by ſuch alliances as he ſhould think fit, would both ſecure his own dominions and the Spaniſh Netherlands, and thereby quiet the fears of his people. The king, deſirous of eluding this application, which he conſidered as a kind of attack on his meaſures, replied in general terms, that he would uſe all means for the preſervation of Flanders, conſiſtent with the peace and ſafety of his kingdoms. This anſwer was an evaſion, or rather a denial. The commons, therefore, thought proper to be more explicit. They entreated him not to defer the entering into ſuch

CHAP. LXVI. 1677.

alliances as might attain that great end: And in caſe war with the French king ſhould be the reſult of his meaſures, they promiſed to grant him all the aids and ſupplies, which would enable him to ſupport the honour and intereſt of the nation. The king was alſo more explicit in his reply. He told them, that the only way to prevent danger, was to put him in a condition to make preparations for their ſecurity. This meſſage was underſtood to be a demand of money. The parliament accordingly empowered the king to borrow on the additional exciſe 200,000 pounds at ſeven per cent.: A very ſmall ſum indeed; but which they deemed ſufficient, with the ordinary revenue, to equip a good ſquadron, and thereby put the nation in ſecurity, till farther reſolutions ſhould be taken.

But this conceſſion fell far ſhort of the king's expectations. He therefore informed them, that, unleſs they granted him the ſum of 600,000 pounds upon new funds, it would not be poſſible for him, without expoſing the nation to manifeſt danger, *to ſpeak or act thoſe things*, which would anſwer the end of their ſeveral addreſſes. The houſe took this meſſage into conſideration: But before they came to any reſolution, the king ſent for them to Whitehall, where he told them, upon the word of a king, that they ſhould not repent any truſt which they would repoſe in him for the ſafety of his kingdom; that he would not for any conſideration break credit with them, or employ their money to other uſes, than thoſe for which they intended it; but that he would not hazard, either his own ſafety or theirs, by taking any vigorous meaſures, or forming new alliances, till he were in a better condition both to defend his ſubjects, and offend his enemies. This ſpeech brought affairs to a ſhort iſſue. The king required them to truſt him with a large ſum: He pawned his royal word for their ſecurity:

They

They must either run the risque of losing their money, or fail of those alliances which they had projected, and at the same time declare to all the world the highest distrust of their sovereign. CHAP. LXVI. 1677.

Parliament's distrust of the king.

But there were many reasons which determined the house of commons to put no trust in the king. They considered, that the pretence of danger was obviously groundless; while the French were opposed by such powerful alliances on the continent, while the king was master of a good fleet at sea, and while all his subjects were so heartily united in opposition to foreign enemies. That the only justifiable reason, therefore, of Charles's backwardness, was not the apprehension of danger from abroad, but a diffidence, which he might perhaps have entertained of his parliament; lest, after engaging him in foreign alliances for carrying on war, they should take advantage of his necessities, and extort from him concessions dangerous to his royal dignity. That this parliament, by their past conduct, had given no foundation for such suspicions, and were so far from pursuing any sinister ends, that they had granted supplies for the first Dutch war; for maintaining the triple league, though concluded without their advice; even for carrying on the second Dutch war, which was entered into contrary to their opinion, and contrary to the manifest interests of the nation. That, on the other hand, the king had, by former measures, excited very reasonable jealousies in his people, and did with a bad grace require at present their trust and confidence. That he had not scrupled to demand supplies for maintaining the triple league, at the very moment he was concerting measures for breaking it, and had accordingly employed to that purpose the supplies, which he had obtained by those delusive pretences. That his union with France, during the war against Holland, must have been founded on projects the most dangerous to

CHAP. LXVI.

1677.

to his people; and as the ſame union was ſtill ſecretly maintained, it might juſtly be feared, that the ſame projects were not yet entirely abandoned. That he could not ſeriouſly intend to proſecute vigorous meaſures againſt France; ſince he had ſo long remained entirely unconcerned during ſuch obvious dangers; and, till prompted by his parliament, whoſe proper buſineſs it was not to take the lead in thoſe parts of adminiſtration, had ſuſpended all his activity. That if he really meant to enter into a cordial union with his people, he would have taken the firſt ſtep, and have endeavoured, by putting truſt in them, to reſtore that confidence, which he himſelf, by his raſh conduct had firſt violated. That it was in vain to aſk ſo ſmall a ſum as 600,000 pounds, in order to ſecure him againſt the future attempts of the parliament; ſince that ſum muſt ſoon be exhauſted by a war with France, and he muſt again fall into that dependance, which was become, in ſome degree, eſſential to the conſtitution. That if he would form the neceſſary alliances, that ſum, or a greater, would inſtantly be voted; nor could there be any reaſon to dread, that the parliament would immediately deſert meaſures, in which they were engaged by their honour, their inclination, and the public intereſt. That the real ground, therefore, of the king's refuſal, was neither apprehenſion of danger from foreign enemies, nor jealouſy of parliamentary encroachments; but a deſire of obtaining the money, which he intended, notwithſtanding his royal word, to employ to other purpoſes. And that, by uſing ſuch diſhonourable means to ſo ignoble an end, he rendered himſelf ſtill more unworthy the confidence of his people.

THE houſe of commons was now regularly divided into two parties, the court and the country. Some were liſted in the court-party by offices, nay, a few by bribes ſecretly given them; a practice firſt begun by Clifford, a dangerous

dangerous miniſter: But great numbers were attached merely by inclination; ſo far as they eſteemed the meaſures of the court agreeable to the intereſts of the nation. Private views and faction had likewiſe drawn ſeveral into the country party: But there were alſo many of that party, who had no other object than the public good. Theſe diſintereſted members on both ſides fluctuated between the factions; and gave the ſuperiority ſometimes to the court, ſometimes to the oppoſition[e]. In the preſent emergence, a general diſtruſt of the king prevailed; and the parliament reſolved not to hazard their money, in expectation of alliances, which, they believed, were never intended to be formed. Inſtead of granting the ſupply, they voted an addreſs, wherein they "beſought his ma-" jeſty to enter into a league, offenſive and defenſive, with " the States General of the United Provinces, againſt " the growth and power of the French king, and for the " preſervation of the Spaniſh Netherlands; and to make " ſuch other alliances with the confederates as ſhould " appear fit and uſeful to that end." They ſupported their advice with reaſons; and promiſed ſpeedy and effectual ſupplies, for preſerving his majeſty's honour and enſuring the ſafety of the public. The king pretended the higheſt anger at this addreſs, which he repreſented as a dangerous encroachment upon his prerogative. He reproved the commons in ſevere terms; and ordered them immediately to be adjourned.

CHAP. LXVI. 1677.

It is certain, that this was the critical moment, when the king both might with eaſe have preſerved the balance of power in Europe, which it has ſince coſt this iſland great expence of blood and treaſure to reſtore, and might by perſeverance have at laſt regained, in ſome tolerable meaſure, after all paſt errors, the confidence of his people. 8th May.

[e] Temple's Memoirs, vol. i. p. 458.

This

CHAP. LXVI. 1677.

This opportunity being neglected, the wound became incurable; and notwithſtanding *his* momentary appearances of vigour againſt France and popery, and *their* momentary inclinations to rely on his faith; *he* was ſtill believed to be at bottom engaged in the ſame intereſts, and *they* ſoon elapſed into diſtruſt and jealouſy. The ſecret memoirs of this reign, which have ſince been publiſhed[f], prove beyond a doubt, that the king had at this time concerted meaſures with France, and had no intention to enter into a war in favour of the allies. He had entertained no view, therefore, even when he pawned his ROYAL WORD to his people, than to procure a grant of money; and he truſted, that, while he eluded their expectations, he could not afterwards want pretences for palliating his conduct.

NEGOCIATIONS meanwhile were carried on between France and Holland, and an eventual treaty was concluded; that is, all their differences were adjuſted, provided they could afterwards ſatisfy their allies on both ſides. This work, though in appearance difficult ſeemed to be extremely forwarded, by farther bad ſucceſſes on the part of the confederates, and by the great impatience of the Hollanders; when a new event happened, which promiſed a more proſperous iſſue to the quarrel with France, and revived the hopes of all the Engliſh, who underſtood the intereſts of their country.

[f] Such as the letters, which paſſed betwixt Danby and Montague, the king's ambaſſador at Paris; Temple's Memoirs, and his Letters. In theſe laſt, we ſee that the king never made any propoſals of terms but what were advantageous to France, and the prince of Orange believed them to have always been concerted with the French ambaſſador. Vol. i. p. 439.

In Sir John Dalrymple's Appendix, p. 103. it appears that the king had ſigned himſelf, without the participation of his miniſters, a ſecret treaty with France, and had obtained a penſion on the promiſe of his neutrality: A fact, which renders his *royal word*, ſolemnly given to his ſubjects, one of the moſt diſhonourable and moſt ſcandalous acts that ever proceeded from a throne.

THE

CHAP. LXVI.

1677.

THE king saw, with regret, the violent discontents which prevailed in the nation, and which seemed every day to augment upon him. Desirous by his natural temper to be easy himself, and to make every body else easy, he sought expedients to appease those murmurs, which, as they were very disagreeable for the present, might in their consequences prove extremely dangerous. He knew, that, during the late war with Holland, the malcontents at home had made applications to the prince of Orange; and if he continued still to neglect the prince's interests, and to thwart the inclinations of his own people, he apprehended lest their common complaints should cement a lasting union between them. He saw, that the religion of the duke inspired the nation with dismal apprehensions; and though he had obliged his brother to allow the young princesses to be educated in the protestant faith, something farther, he thought, was necessary, in order to satisfy the nation. He entertained, therefore, proposals for marrying the prince of Orange to the lady Mary, the elder princess, and heir apparent to the crown (for the duke had no male issue), and he hoped, by so tempting an offer, to engage him entirely in his interests. A peace he purposed to make; such as would satisfy France, and still preserve his connections with that crown: And he intended to sanctify it by the approbation of the prince, whom he found to be extremely revered in England, and respected throughout Europe. All the reasons for this alliance were seconded by the solicitations of Danby, and also of Temple, who was at that time in England: And Charles at last granted permission to the prince, when the campaign should be over, to pay him a visit.

THE king very graciously received his nephew at New- 19th Oct.
market. He would have entered immediately upon business; but the prince desired first to be acquainted with the lady Mary: And he declared, that, contrary to the

CHAP. LXVI.

1677.

uſual ſentiments of perſons of his rank, he placed a great part of happineſs in domeſtic ſatisfaction, and would not, upon any conſideration of intereſt or politics, match himſelf with a perſon diſagreeable to him. He was introduced to the princeſs, whom he found in the bloom of youth, and extremely amiable both in her perſon and her behaviour. The king now thought, that he had a double tye upon him, and might ſafely expect his compliance with every propoſal: He was ſurpriſed to find the prince decline all diſcourſe of buſineſs, and refuſe to concert any terms for the general peace, till his marriage ſhould be finiſhed. He foreſaw, he ſaid, from the ſituation of affairs, that his allies were likely to have hard terms; and he never would expoſe himſelf to the reproach of having ſacrificed their intereſts to promote his own purpoſes. Charles ſtill believed, notwithſtanding the cold, ſevere manner of the prince, that he would abate of this rigid punctilio of honour; and he protracted the time, hoping, by his own inſinuation and addreſs, as well as by the allurements of love and ambition, to win him to compliance. One day, Temple found the prince in very bad humour, repenting that he had ever come to England, and reſolute in a few days to leave it: But before he went, the king, he ſaid, muſt chuſe the terms, on which they ſhould hereafter live together: He was ſure it muſt be like the greateſt friends or the greateſt enemies: And he deſired Temple to inform his maſter next morning of theſe intentions. Charles was ſtruck with this menace, and foreſaw how the prince's departure would be interpreted by the people. He reſolved, therefore, immediately to yield with a good grace; and having paid a compliment to his nephew's honeſty, he told Temple, that the marriage was concluded, and deſired him to inform the duke of it; as of an affair already reſolved on. The duke ſeemed ſurprized; but yielded a prompt obedience:

dience: Which, he ſaid, was his conſtant maxim to whatever he found to be the king's pleaſure. No meaſure, during this reign, gave ſuch general ſatisfaction. All parties ſtrove who ſhould moſt applaud it. And even Arlington, who had been kept out of the ſecret, told the prince, "That ſome things good in themſelves, were "ſpoiled by the manner of doing them, as ſome things "bad were mended by it; but he would confeſs, that "this was a thing ſo good in itſelf, that the manner of "doing it could not ſpoil it."

CHAP. LXVI. 1677.

23d Octob. Marriage of the prince of Orange with the lady Mary.

THIS marriage was a great ſurprize to Lewis, who, accuſtomed to govern every thing in the Engliſh court, now found ſo important a ſtep taken, not only without his conſent, but without his knowledge or participation. A conjunction of England with the allies, and a vigorous war in oppoſition to French ambition, were the conſequences immediately expected, both abroad and at home: But to check theſe ſanguine hopes, the king, a few days after the marriage, prolonged the adjournment of the parliament from the third of December to the fourth of April. This term was too late for granting ſupplies, or making preparations for war; and could be choſen by the king for no other reaſon, than as an atonement to France for his conſent to the marriage. It appears alſo, that Charles ſecretly received from Lewis the ſum of two millions of livres on account of this important ſervice[a].

THE king, however, entered into conſultations with the prince, together with Danby and Temple, concerning the terms which it would be proper to require of France. After ſome debate, it was agreed, that France ſhould reſtore Lorrain to the duke; with Tournay, Valenciennes, Condé, Aeth, Charleroi, Courtray, Oudenarde, and Binche to Spain, in order to form a good frontier for the Low Countries. The prince inſiſted that Franchecomté ſhould likewiſe be reſtored; and

Plan of peace.

[a] Sir John Dalrymple's Appendix, p. 112.

CHAP. LXVI.

1677.

Charles thought, that, becauſe he had patrimonial eſtates of great value in that province, and deemed his property more ſecure in the hands of Spain, he was engaged by ſuch views to be obſtinate in that point: But the prince declared, that to procure but one good town to the Spaniards in Flanders, he would willingly relinquiſh all thoſe poſſeſſions. As the king ſtill inſiſted on the impoſſibility of wreſting Franchecomté from Lewis, the prince was obliged to acquieſce.

NOTWITHSTANDING this conceſſion to France, the projected peace was favourable to the allies; and it was a ſufficient indication of vigour in the king, that he had given his aſſent to it. He farther agreed to ſend over a miniſter inſtantly to Paris, in order to propoſe theſe terms. This miniſter was to enter into no treaty: He was to allow but two days for the acceptance or refuſal of the terms: Upon the expiration of theſe, he was preſently to return: And in caſe of refuſal, the king promiſed to enter immediately into the confederacy. To carry ſo imperious a meſſage, and ſo little expected from the Engliſh court, Temple was the perſon pitched on, whoſe declared averſion to the French intereſt was not likely to make him fail of vigour and promptitude in the execution of his commiſſion.

BUT Charles next day felt a relenting in this aſſumed vigour. Inſtead of Temple he diſpatched the earl of Feverſham, a creature of the duke's, and a Frenchman by birth: And he ſaid, that the meſſage being harſh in itſelf, it was needleſs to aggravate it by a diſagreeable meſſenger. The prince left London; and the king, at his departure, aſſured him, that he never would abate in the leaſt point of the ſcheme concerted, and would enter into war with Lewis, if he rejected it.

Negociations.

LEWIS received the meſſage with ſeeming gentleneſs and complacency. He told Feverſham, that the king of England well knew, that he might always be maſter of the

the peace; but ſome of the towns in Flanders, it ſeemed very hard to demand, eſpecially Tournay, upon whoſe fortifications ſuch immenſe ſums had been expended: He would therefore take ſome ſhort time to conſider of an anſwer. Feverſham ſaid, that he was limited to two days ſtay: But when that time was elapſed, he was prevailed on to remain ſome few days longer; and he came away at laſt without any poſitive anſwer. Lewis ſaid, that he hoped his brother would not break with him for one or two towns: And with regard to them too, he would ſend orders to his ambaſſador at London to treat with the king himſelf. Charles was ſoftened by the ſoftneſs of France; and the blow was thus artfully eluded. The French Ambaſſador, Barillon, owned at laſt, that he had orders to yield all except Tournay, and even to treat about ſome equivalent for that fortreſs, if the king abſolutely inſiſted upon it. The prince was gone, who had given ſpirit to the Engliſh court; and the negociation began to draw out into meſſages and returns from Paris. CHAP. LXVI. 1677.

By intervals, however, the king could rouze himſelf, and ſhow ſtill ſome firmneſs and reſolution. Finding that affairs were not likely to come to any concluſion with France, he ſummoned, notwithſtanding the long adjournment, the parliament on the fifteenth of January; an unuſual meaſure, and capable of giving alarm to the French court. Temple was ſent for to the council, and the king told him, that he intended he ſhould go to Holland, in order to form a treaty of alliance with the States; and that the purpoſe of it ſhould be, like the triple league, to force both France and Spain to accept of the terms propoſed. Temple was ſorry to find this act of vigour qualified by ſuch a regard to France, and by ſuch an appearance of indifference and neutrality between the parties. He told the king, that the reſolution agreed on, was to begin the war in conjunction with all the confe-

CHAP. LXVI.

derates, in caſe of no direct and immediate anſwer from France: That this meaſure would ſatisfy the prince, the allies, and the people of England; advantages which could not be expected from ſuch an alliance with Holland alone: That France would be diſobliged, and Spain likewiſe; nor would the Dutch be ſatisfied with ſuch a faint imitation of the triple league, a meaſure concerted when they were equally at peace with both parties. For theſe reaſons, Temple declined the employment; and Lawrence Hyde, ſecond ſon of chancellor Clarendon, was ſent in his place.

1677.

1678. THE Prince of Orange could not regard without contempt ſuch ſymptoms of weakneſs and vigour conjoined in the Engliſh counſels. He was reſolved, however, to make the beſt of a meaſure which he did not approve; and as Spain ſecretly conſented, that her ally ſhould form a league, which was ſeemingly directed againſt her as well as France, but which was to fall only on the latter, the States concluded the treaty in the terms propoſed by the king.

6th Jan.

28th Jan. MEANWHILE the Engliſh parliament met, after ſome new adjournments; and the king was aſtoniſhed, that, notwithſtanding the reſolute meaſures which, he thought, he had taken, great diſtruſt and jealouſy and diſcontent were apt, at intervals, ſtill to prevail among the members. Though in his ſpeech he had allowed, that a good peace could no longer be expected from negociation, and aſſured them, that he was reſolved to enter into a war for that purpoſe; the commons did not forbear to inſert in their reply ſeveral harſh and even unreaſonable clauſes. Upon his reproving them, they ſeemed penitent, and voted, that they would aſſiſt his majeſty in the proſecution of the war. A fleet of ninety ſail, an army of thirty thouſand men, and a million of money, were alſo voted.

Great

Great difficulties were made by the commons with regard to the army, which the houſe, judging by paſt meaſures, believed to be intended more againſt the liberties of England than againſt the progreſs of the French monarch. To this perilous ſituation had the king reduced both himſelf and the nation. In all debates, ſevere ſpeeches were made, and were received with ſeeming approbation: The duke and the treaſurer began to be apprehenſive of impeachments: Many motions againſt the king's miniſters were loſt by a ſmall majority: The commons appointed a day to conſider the ſtate of the kingdom with regard to popery: And they even went ſo far as to vote, that, how urgent ſoever the occaſion, they would lay no farther charge on the people, till ſecured againſt the prevalence of the catholic party. In ſhort, the parliament was impatient for war whenever the king ſeemed averſe to it; but grew ſuſpicious of ſome ſiniſter deſign as ſoon as he complied with their requeſts, and ſeemed to enter into their meaſures. CHAP. LXVI. 1678.

THE king was enraged at this laſt vote: He reproached Temple with his popular notions, as he termed them; and aſked him how he thought the houſe of commons could be truſted for carrying on the war, ſhould it be entered on, when in the very commencement they made ſuch declarations. The uncertainties indeed of Charles's conduct were ſo multiplied, and the jealouſies on both ſides ſo incurable, and even thoſe who approached neareſt the ſcene of action could not determine, whether the king ever ſeriouſly meant to enter into a war, or whether, if he did, the houſe of commons would not have taken advantage of his neceſſities, and made him purchaſe ſupplies by a great ſacrifice of his authority [g].

THE king of France knew how to avail himſelf of all the advantages which theſe diſtractions afforded him.

[g] Temple, vol. i. p. 461.

CHAP. LXVI.

1678.

By his emiſſaries, he repreſented to the Dutch, the imprudence of their depending on England; where an indolent king, averſe to all war, eſpecially with France, and irreſolute in his meaſures, was actuated only by the uncertain breath of a factious parliament. To the ariſtocratical party, he remarked the danger of the prince's alliance with the royal family of England, and revived their apprehenſions; leſt, in imitation of his father, who had been honoured with the ſame alliance, he ſhould violently attempt to enlarge his authority, and enſlave his native country. In order to enforce theſe motives with farther terrors, he himſelf took the field very early in the ſpring; and after threatening Luxembourg, Mons, and Namur, he ſuddenly ſat down before Ghent and Ypres, and in a few weeks made himſelf maſter of both places. This ſucceſs gave great alarm to the Hollanders, who were no wiſe ſatisfied with the conduct of England, or with the ambiguous treaty lately concluded; and it quickened all their advances towards an accommodation.

Campaign of 1678.

IMMEDIATELY after the parliament had voted the ſupply, the king began to inliſt forces; and ſuch was the ardour of the Engliſh for a war with France, that an army of above 20,000 men, to the aſtoniſhment of Europe, was completed in a few weeks. Three thouſand men under the duke of Monmouth, were ſent over to ſecure Oſtend: Some regiments were recalled from the French ſervice: A fleet was fitted out with great diligence: And a quadruple alliance was projected between England, Holland, Spain, and the Emperor.

BUT theſe vigorous meaſures received a ſudden damp from a paſſionate addreſs of the lower houſe; in which they juſtified all their paſt proceedings that had given diſguſt to the king; deſired to be acquainted with the meaſures taken by him; prayed him to diſmiſs evil counſellors; and named in particular the duke of Lauderdale, on

on whoſe removal they ſtrenuouſly inſiſted. The king told them, that their addreſs was ſo extravagant, that he was not willing ſpeedily to give it the anſwer which it deſerved. And he began again to lend an ear to the propoſals of Lewis, who offered him great ſums of money, if he would conſent to France's making an advantageous peace with the allies. CHAP. LXVI. 1678.

Negociations.

TEMPLE, though preſſed by the king, refuſed to have any concern in ſo diſhonourable a negociation: But he informs us, that the king ſaid, there was one article propoſed, which ſo incenſed him, that, as long as he lived, he ſhould never forget it. Sir William goes no farther; but the editor of his works, the famous Dr. Swift, ſays, that the French, before they would agree to any payment, required as a preliminary, that the king ſhould engage never to keep above 8000 regular troops in Great Britain[a]. Charles broke into a paſſion. "Cod's-fiſh," ſaid he, his uſual oath, "does my bro-"ther of France think to ſerve me thus? Are all his "promiſes to make me abſolute maſter of my people "come to this? Or does he think *that* a thing to be done "with eight thouſand men?"

VAN BEVERNING was the Dutch ambaſſador at Nimeguen, a man of great authority with the States. He was eager for peace, and was perſuaded, that the reluctance of the king, and the jealouſies of the parliament, would for ever diſappoint the allies in their hopes of ſuccour from England. Orders were ſent him by the States to go to the French king at Ghent, and to concert the terms of a general treaty, as well as procure a preſent truce, for ſix weeks. The terms agreed on were much worſe for the Spaniards, than thoſe which had been planned by the king and the prince of Orange. Six towns, ſome of

[a] To wit, 3000 men for Scotland, and the uſual guards and garriſons in England, amounting to near 5000 men. Sir J. Dalrymple's App. p. 161.

them

CHAP. LXVI. 1678.

them of no great importance, were to be reſtored to them: But Ypres, Condé, Valenciennes, and Tournay, in which conſiſted the chief ſtrength of their frontier, were to remain with France.

GREAT murmurs aroſe in England when it was known that Flanders was to be left in ſo defenceleſs a condition. The chief complaints were levelled againſt the king, who, by his concurrence at firſt, by his favour afterwards, and by his delays at laſt, had raiſed the power of France to ſuch an enormous height, that it threatened the general liberties of Europe. Charles, uneaſy under theſe imputations, dreading the conſequence of loſing the affections of his ſubjects, and perhaps diſguſted with the ſecret article propoſed by France, began to wiſh heartily for war, which, he hoped, would have reſtored him to his ancient popularity.

AN opportunity unexpectedly offered itſelf for his diſplaying theſe new diſpoſitions. While the miniſters at Nimeguen were concerting the terms of a general treaty, the marquis de Balbaces, the Spaniſh ambaſſador, aſked the ambaſſadors of France, at what time France intended to reſtore the ſix towns in Flanders. They made no difficulty in declaring that the king, their maſter, being obliged to ſee an entire reſtitution made to the Swedes of all they had loſt in the war, could not evacuate theſe towns till that crown had received ſatisfaction; and that this detention of places was the only means to induce the powers of the north to accept of the peace.

THE States immediately gave the king intelligence of a pretenſion, which might be attended with ſuch dangerous conſequences. The king was both ſurprized and angry. He immediately diſpatched Temple to concert with the States vigorous meaſures for oppoſing France. Temple in ſix days concluded a treaty, by which Lewis
16th July. was obliged to declare, within ſixteen days after the date, that

that he would presently evacuate the towns: And in case of his refusal, Holland was bound to continue the war and England to declare immediately against France, in conjunction with the whole confederacy. CHAP. LXVI. 1678.

All these warlike measures were so ill seconded by the parliament, where even the French ministers were suspected, with reason[a], of carrying on some intrigues, that the commons renewed their former jealousies against the king, and voted the army immediately to be disbanded,

[a] Sir John Dalrymple, in his Appendix, has given us, from Barillon's dispatches in the Secretary's office at Paris, a more particular detail of these intrigues. They were carried on with lord Russel, lord Hollis, lord Berkshire, the duke of Buckingham, Algernon Sydney, Montague, Bulstrode, col. Titus, Sir Edward Harley, Sir John Baber, Sir Roger Hill, Boscawen, Littleton, Powle, Harbord, Hamden, Sir Thomas Armstrong, Hotham, Herbert, and some others of less note. Of these, lord Russel and lord Hollis alone refused to touch any French muney: All the others received presents or bribes from Barillon. But we are to remark, that the party views of these men, and their well-founded jealousies of the king and duke, engaged them, independently of the money, into the same measures that were suggested to them by the French Ambassador. The intrigues of France, therefore, with the parliament were a mighty small engine in the political machine. Those with the king, which have always been known, were of infinitely greater consequence. The sums distributed to all these men, excepting Montague, did not exceed 16,000 pounds in three years; and therefore could have little weight in the two houses, especially when opposed to the influence of the crown. Accordingly we find, in all Barillon's dispatches, a great anxiety that the parliament should never be assembled. The conduct of these English patriots was more mean than criminal; and monsieur Courten says, that two hundred thousand livres employed by the Spaniards and Germans, would have more influence than two millions distributed by France. See Sir J. Dalrymple's App. p. 111. It is amusing to observe the general, and I may say national, rage excited by the late discovery of this secret negociation; chiefly on account of Algernon Sydney, whom the blind prejudices of party had exalted into a hero. His ingratitude and breach of faith, in applying for the king's pardon, and immediately on his return entering into cabals for rebellion, form a conduct much more criminal than the taking of French gold: Yet the former circumstance was always known, and always disregarded. But every thing connected with France is supposed, in England, to be polluted beyond all possibility of expiation. Even Lord Russel, whose conduct in this negociation was only factious, and that in an ordinary degree, is imagined to be dishonoured by the same discovery.

The

CHAP. LXVI.

1678. The king by a meſſage repreſented the danger of diſarming before peace were finally concluded; and he recommended to their conſideration, whether he could honourably recal his forces from thoſe towns in Flanders, which were put under his protection, and which had at preſent no other means of defence. The commons agreed to prolong the term with regard to theſe forces. Every thing indeed in Europe bore the appearance of war. France had poſitively declared, that ſhe would not evacuate the ſix towns before the requiſite ceſſion was made to Sweden; and her honour ſeemed now engaged to ſupport that declaration. Spain and the empire, diſguſted with the terms of peace impoſed by Holland, ſaw with pleaſure the proſpect of a powerful ſupport from the new reſolutions of Charles. Holland itſelf, encouraged by the prince of Orange and his party, was not diſpleaſed to find that the war would be renewed on more equal terms. The allied army under that prince was approaching towards Mons, then blockaded by France. A conſiderable body of Engliſh under the duke of Monmouth, was ready to join him.

CHARLES uſually paſſed a great part of his time in the women's apartments, particularly thoſe of the ducheſs of Portſmouth; where, among other gay company, he often met with Barillon, the French ambaſſador, a man of polite converſation, who was admitted into all the amuſements of that inglorious but agreeable monarch. It was the charms of this ſauntering, eaſy life, which, during his later years, attached Charles to his miſtreſſes. By the inſinuations of Barillon, and the ducheſs of Portſmouth, an order was, in an unguarded hour, procured, which inſtantly changed the face of affairs in Europe. One du Cros, a French fugitive monk, was ſent to Temple, directing him to apply to the Swediſh ambaſſador, and perſuade him not to inſiſt on the conditions required by France, but to ſacrifice to general peace thoſe intereſts

CHAP. LXVI.

1678.

intereſts of Sweden. Du Cros, who had ſecretly received inſtructions from Barillon, publiſhed every where in Holland the commiſſion with which he was intruſted; and all men took the alarm. It was concluded, that Charles's ſudden alacrity for war was as ſuddenly extinguiſhed, and that no ſteddy meaſures could ever be taken with England. The king afterwards, when he ſaw Temple, treated this important matter in raillery; and ſaid, laughing, that the rogue du Cros had outwitted them all.

THE negociations, however, at Nimeguen ſtill continued; and the French ambaſſadors ſpun out the time, till the morning of the critical day, which, by the late treaty between England and Holland, was to determine whether a ſudden peace or a long war were to have place in Chriſtendom. The French ambaſſadors came then to Van Beverning, and told him, that they had received orders to conſent to the evacuation of the towns, and immediately to conclude and ſign the peace. Van Beverning might have refuſed compliance, becauſe it was now impoſſible to procure the conſent and concurrence of Spain; but he had entertained ſo juſt an idea of the fluctuations in the Engliſh counſels, and was ſo much alarmed by the late commiſſion given to du Cros, that he deemed it fortunate for the republic to finiſh on any terms a dangerous war, where they were likely to be very ill ſupported. The papers were inſtantly drawn, and ſigned by the miniſters of France and Holland, between eleven and twelve o'clock at night. By this treaty France ſecured the poſſeſſion of Franchecomté, together with Cambray, Aire, St. Omer's, Valenciennes, Tournay, Ypres, Bouchaine, Caſſel, &c. and reſtored to Spain only Charleroi, Coutrai, Oudenard, Aeth, Ghent, and Limbourg. 1ſt Auguſt.

NEXT day Temple received an expreſs from England, which brought the ratifications of the treaty lately concluded

CHAP. LXVI.

1678.

cluded with the States, together with orders immediately to proceed to the exchange of them. Charles was now returned to his former inclinations for war with France.

VAN BEVERNING was loudly exclaimed againſt by the ambaſſadors of the allies at Nimeguen, eſpecially thoſe of Brandenburg and Denmark, whoſe maſters were obliged, by the treaty, to reſtore all their acquiſitions. The miniſters of Spain and the emperor were ſullen and diſguſted; and all men hoped, that the States, importuned and encouraged by continual ſolicitations from England, would diſavow their ambaſſador, and renew the war. The prince of Orange even took an extraordinary ſtep, in order to engage them to that meaſure; or perhaps to give vent to his own ſpleen and reſentment. The day after ſigning the peace at Nimeguen, he attacked the French army at St. Dennis near Mons; and gained ſome advantage over Luxembourg, who reſted ſecure on the faith of the treaty, and concluded the war to be finiſhed. The prince knew, at leaſt had reaſon to believe, that the peace was ſigned, though it had not been formally notified to him; and he here ſacrificed wantonly, without a proper motive, the lives of many brave men on both ſides, who fell in this ſharp and well-conteſted action.

HYDE was ſent over with a view of perſuading the States to diſavow Van Beverning; and the king promiſed, that England, if ſhe might depend on Holland, would immediately declare war, and would purſue it, till France were reduced to reaſonable conditions. Charles at preſent went farther than words. He hurried on the embarkation of his army for Flanders; and all his preparations wore a hoſtile appearance. But the States had been too often deceived to truſt him any longer. They ratified the treaty ſigned at Nimeguen; and all the other powers of Europe were at laſt, after much clamour and many

many diſguſts, obliged to accept of the terms preſcribed to them. CHAP. LXVI.

1678. Peace of Nimeguen.

Lewis had now reached the height of that glory which ambition can afford. His miniſters and negociators appeared as much ſuperior to thoſe of all Europe in the cabinet, as his generals and armies had been experienced in the field. A ſucceſsful war had been carried on againſt an alliance, compoſed of the greateſt potentates in Europe. Conſiderable conqueſts had been made, and his territories enlarged on every ſide. An advantageous peace was at laſt concluded, where he had given the law. The allies were ſo enraged againſt each other, that they were not likely to cement ſoon in any new confederacy. And thus he had, during ſome years, a real proſpect of attaining the monarchy of Europe, and of exceeding the empire of Charlemagne, perhaps equalling that of ancient Rome. Had England continued much longer in the ſame condition, and under the ſame government, it is not eaſy to conceive that he could have failed of his purpoſe.

In proportion as theſe circumſtances exalted the French, they excited indignation among the Engliſh, whoſe animoſity, rouzed by terror, mounted to a great height againſt that rival nation. Inſtead of taking the lead in the affairs of Europe, Charles, they thought, had, contrary to his own honour and intereſt, acted a part entirely ſubſervient to the common enemy; and in all his meaſures had either no project at all, or ſuch as was highly criminal and dangerous. While Spain, Holland, the emperor, the princes of Germany, called aloud on England to lead them to victory and to liberty, and conſpired to raiſe her to a ſtation more glorious than ſhe had ever before attained; her king, from mean pecuniary motives, had ſecretly ſold his alliance to Lewis, and was bribed into an intereſt contrary to that of his people. His active ſchemes, in conjunction with France, were highly pernicious;

CHAP. LXVI. 1678.

nicious; his neutrality was equally ignominious; and the jealous, refractory behaviour of the parliament, though in itſelf dangerous, was the only remedy for ſo many greater ills, with which the public, from the miſguided counſels of the king, was ſo nearly threatened. Such were the diſpoſitions of men's minds at the concluſion of the peace of Nimeguen: And theſe diſpoſitions naturally prepared the way for the events which followed.

State of affairs in Scotland.

We muſt now return to the affairs of Scotland, which we left in ſome diſorder, after the ſuppreſſion of the inſurrection in 1666. The king, who at that time endeavoured to render himſelf popular in England, adopted like meaſures in Scotland; and he entruſted the government into the hands chiefly of Tweddale, and Sir Robert Murray, men of prudence and moderation. Theſe miniſters made it their principal object to compoſe the religious differences, which ran high, and for which ſcarcely any modern nation but the Dutch, had as yet found the proper remedy. As rigour and reſtraint had failed of ſucceſs in Scotland, a ſcheme of *comprehenſion* was tried; by which it was intended to diminiſh greatly the authority of biſhops, to aboliſh their negative voice in the eccleſiaſtical courts, and to leave them little more than the right of precedency among the preſbyters. But the preſbyterian zealots entertained great jealouſy againſt this ſcheme. They remembered, that, by ſuch gradual ſteps, king James had endeavoured to introduce epiſcopacy. Should the ears and eyes of men be once reconciled to the name and habit of biſhops, the whole power of the function, they dreaded, would ſoon follow: The leaſt communication with unlawful and antichriſtian inſtitutions they eſteemed dangerous and criminal: *Touch not, taſte not, handle not*; this cry went out amongſt them: And the king's miniſters at laſt perceived that they ſhould proſtitute the dignity of government, by making advances,

vances, to which the malcontents were determined not to correſpond. CHAP. LXVI. 1678.

THE next project adopted was that of *indulgence*. In proſecution of this ſcheme, the moſt popular of the expelled preachers, without requiring any terms of ſubmiſſion to the eſtabliſhed religion, were ſettled in vacant churches; and ſmall ſalaries of about twenty pounds a-year were offered to the reſt, till they ſhould otherwiſe be provided for. Theſe laſt refuſed the king's bounty, which they conſidered as the wages of a criminal ſilence. Even the former ſoon repented their compliance. The people, who had been accuſtomed to hear them rail againſt their ſuperiors, and preach to the times, as they termed it, deemed their ſermons languid and ſpiritleſs, when deprived of theſe ornaments. Their uſual gifts, they thought, had left them, on account of their ſubmiſſion, which was ſtigmatized as eraſtianiſm. They gave them the appellation, not of miniſters of Chriſt, but of *the king's curates*; as the clergy of the eſtabliſhed church were commonly denominated *the biſhop's curates*. The preachers themſelves returned in a little time to their former practices, by which they hoped to regain their former dominion over the minds of men. The conventicles multiplied daily in the weſt: The clergy of the eſtabliſhed church were inſulted: The laws were neglected: The covenanters even met daily in arms at their places of worſhip: And though they uſually diſperſed themſelves after divine ſervice, yet the government took a juſt alarm at ſeeing men, who were ſo entirely governed by their ſeditious teachers, dare to ſet authority at defiance, and, during a time of full peace, to put themſelves in a military poſture.

THERE was here, it is apparent, in the political body, a diſeaſe dangerous and inveterate; and the government had tried every remedy, but the true one, to allay and correct it. An unlimited *toleration*, after ſects have

CHAP. LXVI.

1678.

diffuſed themſelves, and are ſtrongly rooted, is the only expedient which can allay their fervour, and make the civil union acquire a ſuperiority above religious diſtinctions. But as the operations of this regimen are commonly gradual, and at firſt imperceptible, vulgar politicians are apt, for that reaſon, to have recourſe to more haſty and more dangerous remedies. It is obſervable too, that theſe non-conformiſts in Scotland neither offered nor demanded toleration; but laid claim to an entire ſuperiority, and to the exerciſe of extreme rigour againſt their adverſaries. The covenant, which they idolized, was a perſecuting, as well as a ſeditious band of confederacy; and the government, inſtead of treating them like madmen, who ſhould be ſoothed, and flattered, and deceived into tranquillity, thought themſelves intitled to a rigid obedience, and were too apt, from a miſtaken policy, to retaliate upon the diſſenters, who had erred from the ſpirit of enthuſiaſm.

AMIDST theſe diſturbances, a new parliament was aſſembled at Edinburgh[h]; and Lauderdale was ſent down commiſſioner. The zealous preſbyterians, who were the chief patrons of liberty, were too obnoxious to reſiſt, with any ſucceſs, the meaſures of government; and in parliament the tide ſtill ran ſtrongly in favour of monarchy. The commiſſioner had ſuch influence as to get two acts paſſed, which were of great conſequence to the eccleſiaſtical and civil liberties of the kingdom. By the one, it was declared, that the ſettling of all things with regard to the external government of the church was a right of the crown: That whatever related to eccleſiaſtical meetings, matters, and perſons, was to be ordered according to ſuch directions as the king ſhould ſend to his privy council: And that theſe, being publiſhed by them, ſhould have the force of laws. The other act regarded

[h] 19th of October, 1669.

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the militia, which the king, by his own authority, had two years before eſtabliſhed, inſtead of the army, which was diſbanded. By this act the militia was ſettled, to the number of 22,000 men, who were to be conſtantly armed, and regularly diſciplined. And it was farther enacted, that theſe troops ſhould be held in readineſs to march into England, Ireland, or any part of the king's dominions, for any cauſe in which his majeſty's authority, power, or greatneſs, was concerned; on receiving orders, not from the king himſelf, but from the privy council of Scotland. CHAP. LXVI 1678.

LAUDERDALE boaſted extremely of his ſervices in procuring theſe two laws. The king by the former was rendered abſolute maſter of the church, and might legally, by his edict, re-eſtabliſh, if he thought proper, the catholic religion in Scotland. By the latter, he ſaw a powerful force ready at his call: He had even the advantage of being able to diſguiſe his orders under the name of the privy council; and in caſe of failure in his enterprizes, could, by ſuch a pretence, apologize for his conduct to the parliament of England. But in proportion as theſe laws were agreeable to the king, they gave alarm to the Engliſh commons, and were the chief cauſe of the redoubled attacks which they made upon Lauderdale. Theſe attacks, however, ſerved only to fortify him in his intereſt with the king; and though it is probable that the militia of Scotland, during the divided ſtate of that kingdom, would, if matters had come to extremities, have been of little ſervice againſt England; yet did Charles regard the credit of it as a conſiderable ſupport to his authority: And Lauderdale, by degrees, became the prime, or rather ſole, miniſter for Scotland. The natural indolence of the king diſpoſed him to place entire confidence in a man who had ſo far extended the royal prerogative, and who was ſtill diſpoſed to render it abſolutely uncontroulable.

CHAP. LXVI.

1678.

In a ſubſequent ſeſſion of the ſame parliament[1], a ſevere law was enacted againſt conventicles. Ruinous fines were impoſed both on the preachers and hearers, even if the meetings had been in houſes; but field conventicles were ſubjected to the penalty of death, and confiſcation of goods: Four hundred marks Scotch were offered as a reward to thoſe who ſhould ſeize the criminals; and they were indemnified for any ſlaughter which they might commit in the execution of ſuch an undertaking. And as it was found difficult to get evidence againſt theſe conventicles, however numerous, it was enacted by another law, that whoever, being required by the council, refuſed to give information upon oath, ſhould be puniſhed by arbitrary fines, by impriſonment, or by baniſhment to the plantations. Thus all perſecution naturally, or rather neceſſarily, adopts the iniquities, as well as rigours, of the inquiſition. What a conſiderable part of the ſociety conſider as their duty and honour, and even many of the oppoſite party are apt to regard with compaſſion and indulgence, can by no other expedient be ſubjected to ſuch ſevere penalties as the natural ſentiments of mankind appropriate only to the greateſt crimes.

Though Lauderdale found this ready compliance in the parliament, a party was formed againſt him, of which duke Hamilton was the head. This nobleman, with Tweddale and others, went to London, and applied to the king, who, during the preſent depreſſion, and inſignificance of parliament, was alone able to correct the abuſes of Lauderdale's adminiſtration. But even their complaints to him might be dangerous; and all approaches of truth to the throne were barred by the ridiculous law againſt leaſing-making; a law which ſeems to have been extorted by the ancient nobles, in order to protect their own tyranny, oppreſſion, and

[1] 28th of July, 1670.

injuſtice.

injuſtice. Great precautions, therefore, were uſed by the Scottiſh malcontents in their repreſentations to the king; but no redreſs was obtained. Charles loaded them with careſſes, and continued Lauderdale in his authority. CHAP. LXVI. 1678.

A VERY bad, at leaſt a ſevere uſe was made of this authority. The privy council diſpoſſeſſed twelve gentlemen or noblemen of their houſes[k]; which were converted into ſo many garriſons, eſtabliſhed for the ſuppreſſion of conventicles. The nation, it was pretended, was really, on account of theſe religious aſſemblies, in a ſtate of war; and by the ancient law, the king, in ſuch an emergence, was empowered to place a garriſon in any houſe where he ſhould judge it expedient.

IT were endleſs to recount every act of violence and arbitrary authority exerciſed during Lauderdale's adminiſtration. All the lawyers were put from the bar, nay baniſhed, by the king's order, twelve miles from the capital, and by that means the whole juſtice of the kingdom was ſuſpended for a year; till theſe lawyers were brought to declare it as their opinion, that all appeals to parliament were illegal. A letter was procured from the king, for expelling twelve of the chief magiſtrates of Edinburgh, and declaring them incapable of all public office; though their only crime had been their want of compliance with Lauderdale. The burroughs of Scotland have a privilege of meeting once a-year by their deputies, in order to conſider the ſtate of trade, and make bye-laws for its regulation: In this convention a petition was voted, complaining of ſome late acts, which obſtructed commerce, and praying the king that he would impower his commiſſioner, in the next ſeſſion of parliament, to give his aſſent for repealing them. For this preſumption, as it was called, ſeveral of the members were fined and im-

[k] In 1675.

CHAP. LXVI. 1678.

priſoned. One More, a member of parliament, having moved in the houſe, that, in imitation of the Engliſh parliament, no bill ſhould paſs except after three readings, he was, for this pretended offence, immediately ſent to priſon by the commiſſioner.

THE private deportment of Lauderdale was as inſolent and provoking as his public adminiſtration was violent and tyrannical. Juſtice likewiſe was univerſally perverted by faction and intereſt: And from the great rapacity of that duke, and ſtill more of his ducheſs, all offices and favours were openly put to ſale. No one was allowed to approach the throne who was not dependent on him; and no remedy could be hoped for or obtained againſt his manifold oppreſſions. The caſe of Mitchel ſhows, that this miniſter was as much deſtitute of truth and honour, as of lenity and juſtice.

MITCHEL was a deſperate fanatic, and had entertained a reſolution of aſſaſſinating Sharpe, archbiſhop of St. Andrews, who, by his former apoſtaſy and ſubſequent rigour, had rendered himſelf extremely odious to the covenanters. In the year 1668, Mitchel fired a piſtol at the primate, as he was ſitting in his coach; but the biſhop of Orkney, ſtepping into the coach, happened to ſtretch out his arm, which intercepted the ball, and was much ſhattered by it. This happened in the principal ſtreet of the city; but ſo generally was the archbiſhop hated, that the aſſaſſin was allowed peaceably to walk off; and having turned a ſtreet or two, and thrown off a wig, which diſguiſed him, he immediately appeared in public, and remained altogether unſuſpected. Some years after, Sharpe remarked one, who ſeemed to eye him very eagerly; and being ſtill anxious leſt an attempt of aſſaſſination ſhould be renewed, he ordered the man to be ſeized and examined. Two loaded piſtols were found upon him; and as he was now concluded to be the author

1678.

author of the former attempt, Sharpe promiſed, that, if he would confeſs his guilt, he ſhould be diſmiſſed without any puniſhment. Mitchel (for the conjecture was juſt) was ſo credulous as to believe him; but was immediately produced before the council by the faithleſs primate. The council, having no proof againſt him, but hoping to involve the whole body of covenanters in this odious crime, ſolemnly renewed the promiſe of pardon, if he would make a full diſcovery; and it was a great diſappointment to them, when they found, upon his confeſſion, that only one perſon, who was now dead, had been acquainted with his bloody purpoſe. Mitchel was then carried before a court of judicature, and required to renew his confeſſion; but being apprehenſive leſt, though a pardon for life had been promiſed him, other corporal puniſhment might ſtill be inflicted, he refuſed compliance, and was ſent back to priſon. He was next examined before the council, under pretence of his being concerned in the inſurrection at Pentland; and though no proof appeared againſt him, he was put to the queſtion, and, contrary to the moſt obvious principles of equity, was urged to accuſe himſelf. He endured the torture with ſingular reſolution, and continued obſtinate in the denial of a crime, of which, it is believed, he really was not guilty. Inſtead of obtaining his liberty, he was ſent to the Baſs, a very high rock, ſurrounded by the ſea; at this time converted into a ſtate priſon, and full of the unhappy covenanters. He there remained in great miſery, loaded with irons, till the year 1677, when it was reſolved by ſome new examples to ſtrike a freſh terror into the perſecuted, but ſtill obſtinate enthuſiaſts. Mitchel was then brought before a court of judicature, and put upon his trial, for an attempt to aſſaſſinate an archbiſhop and a privy-counſellor. His former confeſſion was pleaded againſt him, and was

CHAP. LXVI. 1678.

proved by the teſtimony of the duke of Lauderdale, lord commiſſioner, lord Hatton his brother, the earl of Rothes, and the primate himſelf. Mitchel, beſides maintaining that the privy-council was no court of judicature, and that a confeſſion before them was not judicial, aſſerted, that he had been engaged to make that confeſſion by a ſolemn promiſe of pardon. The four privy-counſellors denied upon oath that any ſuch promiſe had ever been given. The priſoner then deſired that the council-books might be produced in court; and even offered a copy of that day's proceedings to be read; but the privy-counſellors maintained, that, after they had made oath, no farther proof could be admitted; and that the books of council contained the king's ſecrets, which were on no account to be divulged. They were not probably aware, when they ſwore, that the clerk, having engroſſed the promiſe of pardon in the narrative of Mitchel's confeſſion, the whole minute had been ſigned by the chancellor, and that the proofs of their perjury were by that means committed to record. Though the priſoner was condemned, Lauderdale was ſtill inclined to pardon him; but the unrelenting primate rigorouſly inſiſted upon his execution; and ſaid, that if aſſaſſins remained unpuniſhed, his life muſt be expoſed to perpetual danger. Mitchel was accordingly executed at Edinburgh in January 1678. Such a complication of cruelty and treachery ſhews the character of thoſe miniſters to whom the king had, at this time, entruſted the government of Scotland.

LAUDERDALE's adminiſtration, beſides the iniquities ariſing from the violence of his temper, and the ſtill greater iniquities inſeparable from all projects of perſecution, was attended with other circumſtances, which engaged him in ſevere and arbitrary meaſures. An abſolute government was to be introduced, which on its commencement

commencement is often moſt rigorous; and tyranny was ſtill obliged, for want of military power, to cover itſelf under an appearance of law; a ſituation which rendered it extremely aukward in its motions, and by provoking oppoſition, extended the violence of its oppreſſions. CHAP. LXVI. 1678.

THE rigours exerciſed againſt conventicles, inſtead of breaking the ſpirit of the fanatics, had tended only, as is uſual, to render them more obſtinate, to encreaſe the fervour of their zeal, to link them more cloſely together, and to enflame them againſt the eſtabliſhed hierarchy. The commonalty, almoſt every where in the ſouth, particularly in the weſtern counties, frequented conventicles without reſerve; and the gentry, though they themſelves commonly abſtained from theſe illegal places of worſhip, connived at this irregularity in their inferiors. In order to intereſt the former on the ſide of the perſecutors, a bond or contract was, by order of the privy council, tendered to the landlords in the weſt, by which they were to engage for the good behaviour of their tenants; and in caſe any tenant frequented a conventicle, the landlord was to ſubject himſelf to the ſame fine as could by law be exacted from the delinquent. It was ridiculous to give ſanction to laws by voluntary contracts: It was iniquitous to make one man anſwerable for the conduct of another: It was illegal to impoſe ſuch hard conditions upon men, who had no wiſe offended. For theſe reaſons, the greater part of the gentry refuſed to ſign theſe bonds; and Lauderdale, enraged at this oppoſition, endeavoured to break their ſpirit by expedients, which were ſtill more unuſual and more arbitrary.

THE law enacted againſt conventicles, had called them ſeminaries of rebellion. This expreſſion, which was nothing but a flouriſh of rhetoric, Lauderdale and the privy council were willing to underſtand in a literal ſenſe; and becauſe the weſtern counties abounded in conventicles,

CHAP. LXVI. 1678.

conventicles, though otherwiſe in profound peace, they pretended that theſe counties were in a ſtate of actual war and rebellion. They made therefore an agreement with ſome highland chieftains to call out their clans, to the number of 8000 men: To theſe they joined the guards, and the militia of Angus: And they ſent the whole to live at free quarters upon the lands of ſuch as had refuſed the bonds illegally required of them. The obnoxious counties were the moſt populous and moſt induſtrious in Scotland. The highlanders were the people the moſt diſorderly and the leaſt civilized. It is eaſy to imagine the havoc and deſtruction which enſued. A multitude, not accuſtomed to diſcipline, averſe to the reſtraint of laws, trained up in rapine and violence, were let looſe amidſt thoſe whom they were taught to regard as enemies to their prince and to their religion. Nothing eſcaped their ravenous hands: By menaces, by violence, and ſometimes by tortures, men were obliged to diſcover their concealed wealth. Neither age, nor ſex, nor innocence afforded protection: And the gentry, finding that even thoſe who had been moſt compliant, and who had ſubſcribed the bonds, were equally expoſed to the rapacity of thoſe barbarians, confirmed themſelves ſtill more in the reſolution of refuſing them. The voice of the nation was raiſed againſt this enormous outrage; and after two months free quarter, the highlanders were ſent back to their hills, loaded with the ſpoils and execrations of the weſt.

THOSE who had been engaged to ſubſcribe the bonds, could find no ſecurity but by turning out ſuch tenants as they ſuſpected of an inclination to conventicles, and thereby depopulating their eſtates. To encreaſe the miſery of theſe unhappy farmers, the council enacted, that none ſhould be received any where, or allowed a habitation, who brought not a certificate of his conformity

formity from the pariſh-miniſter. That the obſtinate and refractory might not eſcape farther perſecution, a new device was fallen upon. By the law of Scotland, any man, who ſhould go before a magiſtrate, and ſwear that he thought himſelf in danger from another, might obtain a writ of *law burrows*, as it is called; by which the latter was bound, under the penalty of impriſonment and outlawry, to find ſecurity for his good behaviour. Lauderdale entertained the abſurd notion of making the king ſue out writs of law-burrows againſt his ſubjects. On this pretence, the refuſers of the bonds were ſummoned to appear before the council, and were required to bind themſelves, under the penalty of two years' rent, neither to frequent conventicles themſelves, nor allow their family and tenants to be preſent at thoſe unlawful aſſemblies. Thus chicanery was joined to tyranny; and the majeſty of the king, inſtead of being exalted, was in reality proſtituted; as if he were obliged to ſeek the ſame ſecurity, which one neighbour might require of another.

It was an old law, but ſeldom executed, that a man, who was accuſed of any crime, and did not appear, in order to ſtand his trial, might be *intercommuned*, that is, he might be publicly outlawed; and whoever afterwards, either on account of buſineſs, relation, nay charity, had the leaſt intercourſe with him, was ſubjected to the ſame penalties as could by law be inflicted on the criminal himſelf. Several writs of intercommuning were now iſſued againſt the hearers and preachers in conventicles; and by this ſevere and even abſurd law, crimes and guilt went on multiplying in a geometrical proportion. Where laws themſelves are ſo violent, it is no wonder that an adminiſtration ſhould be tyrannical.

Lest the cry of an oppreſſed people ſhould reach the throne, the council forbad, under ſevere penalties, all noblemen

CHAP. LXVI.

1678.

noblemen or gentlemen of landed property to leave the kingdom: A ſevere edict, eſpecially where the ſovereign himſelf reſided in a foreign country. Notwithſtanding this act of council, Caſſils firſt, afterwards Hamilton and Tweddale, went to London, and laid their complaints before the king. Theſe violent proceedings of Lauderdale were oppoſite to the natural temper of Charles; and he immediately iſſued orders for diſcontinuing the bonds and the writs of law-burrows. But as he was commonly little touched with what lay at a diſtance, he entertained not the proper indignation againſt thoſe who had abuſed his authority: Even while he retracted theſe oppreſſive meaſures, he was prevailed with to avow and praiſe them, in a letter which he wrote to the privy council. This proof of confidence might fortify the hands of the miniſtry; but the king ran a manifeſt riſque of loſing the affections of his ſubjects, by not permitting, even thoſe who were deſirous of it, to diſtinguiſh between him and their oppreſſors.

It is reported[1], that Charles, after a full hearing of the debates concerning Scottiſh affairs, ſaid, "I perceive, that Lauderdale has been guilty of many bad "things againſt the people of Scotland; but I cannot "find, that he has acted any thing contrary to my intereſt." A ſentiment unworthy of a ſovereign!

During the abſence of Hamilton and the other diſcontented lords, the king allowed Lauderdale to ſummon a convention of eſtates at Edinburgh. This aſſembly, beſides granting ſome money, beſtowed applauſe on all Lauderdale's adminiſtration, and in their addreſſes to the king, expreſſed the higheſt contentment and ſatisfaction. But theſe inſtances of complaiſance had the contrary effect in England from what was expected by the con-

[1] Burnet,

trivers

1678.

trivers of them. All men there concluded, that in Scotland the very voice of liberty was totally ſuppreſſed; and that, by the prevalence of tyranny, grievances were ſo rivetted, that it was become dangerous even to mention them, or complain to the prince, who alone was able to redreſs them. From the ſlavery of the neighbouring kingdom, they inferred the arbitrary diſpoſition of the king; and from the violence with which ſovereign power was there exerciſed, they apprehended the miſeries, which might enſue to themſelves upon their loſs of liberty. If perſecution, it was aſked, by a proteſtant church could be carried to ſuch extremes, what might be dreaded from the prevalence of popery, which had ever, in all ages, made open profeſſion of exterminating by fire and ſword every oppoſite ſect or communion? And if the firſt approaches towards unlimited authority were ſo tyrannical, how diſmal its final eſtabliſhment; when all dread of oppoſition ſhould at laſt be removed by mercenary armies, and all ſenſe of ſhame by long and inveterate habit?

CHAP. LXVII.

The popiſh plot—Oates's narrative—and character—Coleman's letters—Godfrey's murder—General conſternation—The parliament—Zeal of the parliament—Bedloe's narrative—Accuſation of Danby—His impeachment—Diſſolution of the long parliament—Its character—Trial of Coleman—Of Ireland—New elections—Duke of Monmouth—Duke of York retires to Bruſſels—New parliament—Danby's impeachment—Popiſh plot—New council—Limitations on a popiſh ſucceſſor—Bill of excluſion—Habeas corpus bill—Prorogation and diſſolution of the Parliament—Trial and execution of the five jeſuits—And of Langhorne—Wakeman acquitted—State of affairs in Scotland—Battle of Bothwel-bridge.

CHAP. LXVII. 1678.

THE Engliſh nation, ever ſince the fatal league with France, had entertained violent jealouſies againſt the court; and the ſubſequent meaſures, adopted by the king, had tended more to encreaſe than cure the general prejudices. Some myſterious deſign was ſtill ſuſpected in every enterprize and profeſſion: Arbitrary power and popery were apprehended as the ſcope of all projects: Each breath or rumour made the people ſtart with anxiety: Their enemies, they thought, were in their very boſom, and had gotten poſſeſſion of their ſovereign's confidence. While in this timorous, jealous diſpoſition, the

the cry of a *plot* all on a ſudden ſtruck their ears: They were wakened from their ſlumber; and like men affrightened and in the dark, took every figure for a ſpectre. The terror of each man became the ſource of terror to another. And an univerſal panic being diffuſed, reaſon and argument, and common ſenſe, and common humanity, loſt all influence over them. From this diſpoſition of mens' minds we are to account for the progreſs of the POPISH PLOT, and the credit given to it; an event, which would otherwiſe appear prodigious and altogether inexplicable. CHAP. LXVII. 1678. The Popiſh plot.

ON the 12th of Auguſt, one Kirby, a chemiſt, accoſted the king, as he was walking in the park: "Sir," ſaid he, "keep within the company: Your enemies have "a deſign upon your life; and you may be ſhot in this "very walk." Being aſked the reaſon of theſe ſtrange ſpeeches, he ſaid, that two men, called Grove and Pickering, had engaged to ſhoot the king, and Sir George Wakeman, the queen's phyſician, to poiſon him. This intelligence, he added, had been communicated to him by doctor Tongue; whom, if permitted, he would introduce to his majeſty. Tongue was a divine of the church of England; a man active, reſtleſs, full of projects, void of underſtanding. He brought papers to the king, which contained information of a plot, and were digeſted into forty-three articles. The king, not having leiſure to peruſe them, ſent them to the treaſurer, Danby, and ordered the two informers to lay the buſineſs before that miniſter. Tongue confeſſed to Danby, that he himſelf had not drawn the papers, that they had been ſecretly thruſt under his door, and that, though he ſuſpected, he did not certainly know, who was the author. After a few days he returned, and told the treaſurer, that his ſuſpicions, he found, were juſt; and that the author of the intelligence, whom he had met twice or thrice

CHAP. LXVII. 1678.

thrice in the ſtreet, had acknowledged the whole matter, and had given him a more particular account of the conſpiracy, but deſired, that his name might be concealed, being apprehenſive leſt the papiſts ſhould murder him.

THE information was renewed with regard to Grove's and Pickering's intentions of ſhooting the king; and Tongue even pretended, that, at a particular time, they were to ſet out for Windſor with that intention. Orders were given for arreſting them, as ſoon as they ſhould appear in that place: But though this alarm was more than once renewed, ſome frivolous reaſons were ſtill found by Tongue for their having delayed the journey. And the king concluded, both from theſe evaſions, and from the myſterious, artificial manner of communicating the intelligence, that the whole was an impoſture.

TONGUE came next to the treaſurer, and told him, that a pacquet of letters, written by jeſuits concerned in the plot, was that night to be put into the poſt-houſe for Windſor, directed to Bennifield, a jeſuit, confeſſor to the duke. When this intelligence was conveyed to the king, he replied, that the pacquet mentioned had a few hours before been brought to the duke by Bennifield; who ſaid, that he ſuſpected ſome bad deſign upon him, that the letters ſeemed to contain matters of a dangerous import, and that he knew them not to be the hand-writing of the perſons whoſe names were ſubſcribed to them. This incident ſtill further confirmed the king in his incredulity.

THE matter had probably ſleeped for ever, had it not been for the anxiety of the duke; who, hearing that prieſts and jeſuits, and even his own confeſſor, had been accuſed, was deſirous, that a thorough enquiry ſhould be made by the council into the pretended conſpiracy. Kirby and Tongue were enquired after, and were now found to be living in cloſe connection with Titus Oates, the perſon who was ſaid to have conveyed the firſt intelligence

ligence to Tongue. Oates affirmed, that he had fallen under ſuſpicion with the Jeſuits; that he had received three blows with a ſtick, and a box on the ear from the provincial of that order, for revealing their conſpiracy: And that, over-hearing them ſpeak of their intentions to puniſh him more ſeverely, he had withdrawn, and concealed himſelf. This man, in whoſe breaſt was lodged a ſecret, involving the fate of kings and kingdoms, was allowed to remain in ſuch neceſſity, that Kirby was obliged to ſupply him with daily bread; and it was a joyful ſurprize to him, when he heard, that the council was at laſt diſpoſed to take ſome notice of his intelligence. But as he expected more encouragement from the public, than from the king or his miniſters, he thought proper, before he was preſented to the council, to go with his two companions to Sir Edmondſbury Godfrey, a noted and active juſtice of peace, and to give evidence before him of all the articles of the conſpiracy. CHAP. LXVII. 1678.

THE wonderful intelligence, which Oates conveyed both to Godfrey and the council, and afterwards to the parliament, was to this purpoſe[m]. The pope, he ſaid, on examining the matter in the congregation *de propaganda*, had found himſelf entitled to the poſſeſſion of England and Ireland on account of the hereſy of prince and people, and had accordingly aſſumed the ſovereignty of theſe kingdoms. This ſupreme power he had thought proper to delegate to the ſociety of Jeſuits; and de Oliva, general of that order, in conſequence of the papal grant, had exerted every act of regal authority, and particularly had ſupplied, by commiſſions under the ſeal of the ſociety, all the chief offices, both civil and military. Lord Arundel was created chancellor, lord Powis treaſurer, Sir William Godolphin privy ſeal, Coleman ſecretary of ſtate, Langhorne attorney general, lord Bellaſis Oates's narrative.

[m] Oates's narrative.

CHAP. LXVII. 1678.

general of the papal army, lord Peters lieutenant general, lord Stafford pay-maſter; and inferior commiſſions, ſigned by the provincial of the Jeſuits, were diſtributed all over England. All the dignities too of the church were filled, and many of them with Spaniards and other foreigners. The provincial had held a conſult of the Jeſuits under his authority; where the king, whom they opprobriouſly called the Black Baſtard, was ſolemnly tried and condemned as a heretic; and a reſolution taken to put him to death. Father Le Shee (for ſo this great plotter and informer called father la Chaiſe, the noted confeſſor of the French king) had conſigned in London ten thouſand pounds to be paid to any man who ſhould merit it by this aſſaſſination. A Spaniſh provincial had expreſſed like liberality: The prior of the Benedictines was willing to go the length of ſix thouſand: The Dominicans approved of the action; but pleaded poverty. Ten thouſand pounds had been offered to Sir George Wakeman, the queen's phyſician, who demanded fifteen thouſand, as a reward for ſo great a ſervice: His demand was complied with; and five thouſand had been paid him by advance. Leſt this means ſhould fail, four Iriſh ruffians had been hired by the Jeſuits, at the rate of twenty guineas a-piece, to ſtab the king at Windſor; and Coleman, ſecretary to the late ducheſs of York, had given the meſſenger, who carried them orders, a guinea to quicken his diligence. Grove and Pickering were alſo employed to ſhoot the king with ſilver bullets: The former was to receive the ſum of fifteen hundred pounds; the latter, being a pious man, was to be rewarded with thirty thouſand maſſes, which, eſtimating maſſes at a ſhilling a-piece, amounted to a like value. Pickering would have executed his purpoſe, had not the flint at one time dropped out of his piſtol, at another time the priming. Coniers, the Jeſuit, had bought a knife at the

price of ten ſhillings, which he thought was not dear, conſidering the purpoſe for which he intended it, to wit ſtabbing the king. Letters of ſubſcription were circulated among the catholics all over England to raiſe a ſum for the ſame purpoſe. No leſs than fifty Jeſuits had met in May laſt, at the White-horſe tavern, where it was unanimouſly agreed to put the king to death. This ſynod did afterwards, for more convenience, divide themſelves into many leſſer cabals or companies; and Oates was employed to carry notes and letters from one to another, all tending to the ſame end, of murdering the king. He even carried, from one company to another, a paper, in which they formally expreſſed their reſolution of executing that deed; and it was regularly ſubſcribed by all of them. A wager of a hundred pounds was laid, and ſtakes made, that the king ſhould eat no more Chriſtmas pyes. In ſhort, it was determined, to uſe the expreſſion of a Jeſuit, that if he would not become R. C. (Roman Catholic)he ſhould no longer be C. R. (Charles Rex.) The great fire of London had been the work of the Jeſuits, who had employed eighty or eighty-ſix perſons for that purpoſe, and had expended ſeven hundred fire-balls; but they had a good return for their money, for they had been able to pilfer goods from the fire to the amount of fourteen thouſand pounds: The Jeſuits had alſo raiſed another fire on St. Margaret's Hill, whence they had ſtolen goods to the value of two thouſand pounds: Another at Southwark: And it was determined in like manner to burn all the chief cities in England. A paper model was already framed for the firing of London; the ſtations were regularly marked out, where the ſeveral fires were to commence; and the whole plan of operations were ſo concerted, that precautions were taken by the Jeſuits to vary their meaſures, according to the variation of the wind. Fire-balls were familiarly called among

CHAP. LXVII. 1678.

CHAP. LXVII. 1678.

them Teuxbury muſtard pills; and were ſaid to contain a notable biting ſauce. In the great fire, it had been determined to murder the king; but he had diſplayed ſuch diligence and humanity in extinguiſhing the flames, that even the Jeſuits relented, and ſpared his life. Beſides theſe aſſaſſinations and fires; inſurrections, rebellions, and maſſacres, were projected by that religious order in all the three kingdoms. There were twenty thouſand catholics in London, who would riſe in four-and-twenty hours or leſs; and Jenniſon, a Jeſuit, ſaid, that they might eaſily cut the throats of a hundred thouſand proteſtants. Eight thouſand catholics had agreed to take arms in Scotland. Ormond was to be murdered by four Jeſuits; a general maſſacre of the Iriſh proteſtants was concerted; and forty thouſand black bills were already provided for that purpoſe. Coleman had remitted two hundred thouſand pounds to promote the rebellion in Ireland; and the French king was to land a great army in that iſland. Poole, who wrote the Synopſis, was particularly marked out for aſſaſſination; as was alſo Dr. Stillingfleet, a controverſial writer againſt the papiſts. Burnet tells us, that Oates paid him the ſame compliment. After all this havoc, the crown was to be offered to the duke, but on the following conditions; that he receive it as a gift from the pope; that he confirm all the papal commiſſions for offices and employments; that he ratify all paſt tranſactions, by pardoning the incendaries, and the murderers of his brother and of the people; and that he conſent to the utter extirpation of the proteſtant religion. If he refuſe theſe conditions, he himſelf was immediately to be poiſoned or aſſaſſinated, *To pot James muſt go*; according to the expreſſion aſcribed by Oates to the Jeſuits.

Oates, the informer of this dreadful plot, was himſelf the moſt infamous of mankind. He was the ſon of an

an anabaptiſt preacher, chaplain to colonel Pride; but having taken orders in the church, he had been ſettled in a ſmall living by the duke of Norfolk. He had been indicted for perjury; and by ſome means had eſcaped. He was afterwards a chaplain on board the fleet; whence he had been diſmiſſed on complaint of ſome unnatural practices, not fit to be named. He then became a convert to the catholics; but he afterwards boaſted, that his converſion was a mere pretence, in order to get into their ſecrets and to betray them [n]. He was ſent over to the Jeſuits' college at St. Omers, and though above thirty years of age, he there lived ſome time among the ſtudents. He was diſpatched on an errand to Spain; and thence returned to St. Omers; where the Jeſuits, heartily tired of their convert, at laſt diſmiſſed him from their ſeminary. It is likely, that, from reſentment of this uſage, as well as from want and indigence, he was induced, in combination with Tongue, to contrive that plot, of which he accuſed the catholics.

CHAP. LXVII. 1678.

THIS abandoned man, when examined before the council, betrayed his impoſtures in ſuch a manner, as would have utterly diſcredited the moſt conſiſtent ſtory, and the moſt reputable evidence. While in Spain, he had been carried, he ſaid, to Don John, who promiſed great aſſiſtance to the execution of the catholic deſigns. The king aſked him, what ſort of a man Don John was: He anſwered, a tall lean man; directly contrary to truth, as the king well knew [o]. He totally miſtook the ſituation of the Jeſuits' college at Paris [p]. Though he pretended great intimacies with Coleman, he knew him not, when placed very near him; and had no other excuſe than that his ſight was bad in candle-light [q]. He fell into like miſtakes with regard to Wakeman.

[n] Burnet, Echard, North, L'Eſtrange, &c. [o] Burnet, North.
[p] North. [q] Burnet, North, Trials.

CHAP. LXVII.

1678.

NOTWITHSTANDING theſe objections, great attention was paid to Oates's evidence, and the plot became very ſoon the ſubject of converſation, and even the object of terror to the people. The violent animoſity, which had been excited againſt the catholics in general, made the public ſwallow the groſſeſt abſurdities when they accompanied an accuſation of thoſe religioniſts: And the more diabolical any contrivance appeared, the better it ſuited the tremendous idea entertained of a Jeſuit. Danby likewiſe, who ſtood in oppoſition to the French and catholic intereſt at court, was willing to encourage every ſtory, which might ſerve to diſcredit that party. By his ſuggeſtion, when a warrant was ſigned for arreſting Coleman, there was inſerted a clauſe for ſeizing his papers; a circumſtance attended with the moſt important conſequences.

Coleman's letters.

COLEMAN, partly on his own account, partly by orders from the duke, had been engaged in a correſpondence with father la Chaiſe, with the pope's nuncio at Bruſſels, and with other catholics abroad; and being himſelf a fiery zealot, buſy and ſanguine, the expreſſions in his letters often betrayed great violence and indiſcretion. His correſpondence, during the years 1674, 1675, and part of 1676, was ſeized, and contained many extraordinary paſſages. In particular he ſaid to la Chaiſe, "We have here a mighty work upon our hands, no leſs "than the converſion of three kingdoms, and by that "perhaps the utter ſubduing of a peſtilent hereſy, which "has a long time domineered over a great part of this "northern world. There were never ſuch hopes of "ſucceſs, ſince the days of queen Mary, as now in our "days. God has given us a prince," meaning the duke, "who is become (may I ſay a miracle) zealous of being "the author and inſtrument of ſo glorious a work; but "the oppoſition we are ſure to meet with is alſo like to

"be

CHAP. LXVII. 1678.

" be great: So that it imports us to get all the aid and " aſſiſtance we can." In another letter he ſaid, " I can " ſcarce believe myſelf awake, or the thing real, when " I think of a prince in ſuch an age as we live in, con- " verted to ſuch a degree of zeal and piety, as not to " regard any thing in the world in compariſon of God " Almighty's glory, the ſalvation of his own ſoul, and " the converſion of our poor kingdom." In other paſ- ſages the intereſts of the crown of England, thoſe of the French king, and thoſe of the catholic religion are ſpoken of as inſeparable. The duke is alſo ſaid to have connected his intereſts unalterably with thoſe of Lewis. The king himſelf, he affirms, is always inclined to favour the catholics, when he may do it without hazard. " Money," Coleman adds, " cannot fail of perſuading " the king to any thing. There is nothing it cannot " make him do, were it ever ſo much to his prejudice. " It has ſuch an abſolute power over him, that he can- " not reſiſt it. Logic, built upon money, has in our " court more powerful charms than any other ſort of " argument." For theſe reaſons, he propoſed to father la Chaiſe, that the French king ſhould remit the ſum of 300,000 pounds, on condition that the parliament be diſſolved; a meaſure, to which, he affirmed, the king was, of himſelf, ſufficiently inclined, were it not for his hopes of obtaining money from that aſſembly. The parliament, he ſaid, had already conſtrained the king to make peace with Holland, contrary to the intereſts of the catholic religion, and of his moſt chriſtian majeſty: And if they ſhould meet again, they would ſurely engage him farther, even to the making of war againſt France. It appears alſo from the ſame letters, that the aſſembling of the parliament ſo late as April in the year 1675, had been procured by the intrigues of the catholic and French party, who thereby intended to ſhow the Dutch and their

CHAP. LXVII.

confederates, that they could expect no aſſiſtance from England.

1678.

When the contents of theſe letters were publicly known, they diffuſed the panic, with which the nation began already to be ſeized on account of the popiſh plot. Men reaſoned more from their fears and their paſſions than from the evidence before them. It is certain, that the reſtleſs and enterprizing ſpirit of the catholic church, particularly of the Jeſuits, merits attention, and is, in ſome degree, dangerous to every other communion. Such zeal of proſelytiſm actuates that ſect, that its miſſionaries have penetrated into every nation of the globe; and, in one ſenſe, there is a *popiſh plot* perpetually carrying on againſt all ſtates, proteſtant, pagan, and mahometan. It is likewiſe very probable, that the converſion of the duke, and the favour of the king had inſpired the catholic prieſts with new hopes of recovering in theſe iſlands their loſt dominion, and gave freſh vigour to that intemperate zeal, by which they are commonly actuated. Their firſt aim was to obtain a toleration; and ſuch was the evidence, they believed, of their theological tenets, that, could they but procure entire liberty, they muſt infallibly in time open the eyes of the people. After they had converted conſiderable numbers, they might be enabled, they hoped, to reinſtate themſelves in full authority, and entirely to ſuppreſs that hereſy, with which the kingdom had ſo long been affected. Though theſe dangers to the proteſtant religion were diſtant, it was juſtly the object of great concern to find, that the heir of the crown was ſo blinded with bigotry, and ſo deeply engaged in foreign intereſts; and that the king himſelf had been prevailed on, from low intereſts, to hearken to his dangerous inſinuations. Very bad conſequences might enſue from ſuch perverſe habits and attachments; nor could the nation and par-

CHAP. LXVII. 1678.

parliament guard againſt them with too anxious a precaution. But that the Roman pontiff could hope to aſſume the ſovereignty of theſe kingdoms; a project, which even during the darkneſs of the eleventh and twelfth centuries, would have appeared chimerical: That he ſhould delegate this authority to the Jeſuits; that order in the Romiſh church, which was the moſt hated: That a maſſacre could be attempted of the proteſtants, who ſurpaſſed the catholics a hundred fold, and were inveſted with the whole authority of the ſtate: That the king himſelf was to be aſſaſſinated, and even the duke, the only ſupport of their party: Theſe were ſuch abſurdities as no human teſtimony was ſufficient to prove; much leſs the evidence of one man, who was noted for infamy, and who could not keep himſelf every moment from falling into the groſſeſt inconſiſtencies. Did ſuch intelligence deſerve even ſo much attention as to be refuted, it would appear, that Coleman's letters were ſufficient alone to deſtroy all its credit. For how could ſo long a train of correſpondence be carried on, by a man ſo much truſted by the party; and yet no traces of inſurrections, if really intended, of fires, maſſacres, aſſaſſinations, invaſions, be ever diſcovered in any ſingle paſſage of theſe letters? But all ſuch reflections, and many more, equally obvious, were vainly employed againſt that general prepoſſeſſion, with which the nation was ſeized. Oates's plot and Coleman's were univerſally confounded together: And the evidence of the latter being unqueſtionable, the belief of the former, aided by the paſſions of hatred and of terror, took poſſeſſion of the whole people.

17th Octob. Godfrey's murder.

THERE was danger, however, leſt time might open the eyes of the public; when the murder of Godfrey completed the general deluſion, and rendered the prejudices of the nation abſolutely incurable. This magiſtrate had been miſſing ſome days; and after much ſearch, and many

CHAP. LXVII. 1678.

many ſurmiſes, his body was found lying in a ditch at Primroſe-hill: The marks of ſtrangling were thought to appear about his neck, and ſome contuſions on his breaſt: His own ſword was ſticking in the body; but as no conſiderable quantity of blood enſued on drawing it; it was concluded, that it had been thruſt in after his death, and that he had not killed himſelf: He had rings on his fingers, and money in his pocket: It was therefore inferred, that he had not fallen into the hands of robbers. Without farther reaſoning, the cry roſe, that he had been aſſaſſinated by the papiſts, on account of his taking Oates's evidence. This clamour was quickly propagated, and met with univerſal belief. The panic ſpread itſelf on every ſide with infinite rapidity; and all men, aſtoniſhed with fear, and animated with rage, ſaw in Godfrey's fate all the horrible deſigns aſcribed to the Catholics; and no farther doubt remained of Oates's veracity. The voice of the nation united againſt that hated ſect; and notwithſtanding that the bloody conſpiracy was ſuppoſed to be now detected, men could ſcarcely be perſuaded, that their lives were yet in ſafety. Each hour teemed with new rumours and ſurmizes. Invaſions from abroad, inſurrections at home, even private murders and poiſonings were apprehended. To deny the reality of the plot was to be an accomplice: To heſitate was criminal: Royaliſt, Republican; Churchman, Sectary; Courtier, Patriot; all parties concurred in the illuſion. The city prepared for its defence, as if the enemy were at its gates: The chains and poſt were put up: And it was a noted ſaying at that time of Sir Thomas Player, the chamberlain, that, were it not for theſe precautions, all the citizens might riſe next morning with their throats cut [r].

General conſternation.

In order to propagate the popular frenzy, ſeveral artifices were employed. The dead body of Godfrey was

[r] North, p. 206.

carried

carried into the city, attended by vaſt multitudes. It was publicly expoſed in the ſtreets, and viewed by all ranks of men; and every one, who ſaw it, went away inflamed, as well by the mutual contagion of ſentiments, as by the diſmal ſpectacle itſelf. The funeral pomp was celebrated with great parade. The corpſe was conducted through the chief ſtreets of the city: Seventy-two clergymen marched before: Above a thouſand perſons of diſtinction followed after: And at the funeral-ſermon, two able-bodied divines mounted the pulpit, and ſtood on each ſide of the preacher, leſt, in paying the laſt duties to this unhappy magiſtrate, he ſhould, before the whole people, be murdered by the Papiſts[s]. CHAP. LXVII. 1678.

In this diſpoſition of the nation, reaſon could no more be heard than a whiſper in the midſt of the moſt violent hurricane. Even at preſent, Godfrey's murder can ſcarcely, upon any ſyſtem, be rationally accounted for. That he was aſſaſſinated by the Catholics, ſeems utterly improbable. Theſe religioniſts could not be engaged to commit that crime from *policy*, in order to deter other magiſtrates from acting againſt them. Godfrey's fate was no wiſe capable of producing that effect, unleſs it were publicly known, that the Catholics were his murderers; an opinion, which, it was eaſy to foreſee, muſt prove the ruin of their party. Beſides, how many magiſtrates, during more than a century, had acted in the moſt violent manner againſt the Catholics, without its being ever ſuſpected, that any one had been cut off by aſſaſſination? Such jealous times as the preſent were ſurely ill fitted for beginning theſe dangerous experiments. Shall we therefore ſay, that the Catholics were puſhed on, not by policy, but by blind *revenge* againſt Godfrey? But Godfrey had given them little or no occaſion of offence in taking Oates's evidence. His part was merely an act of

[s] North, p. 205.

form,

CHAP. LXVII. 1678.

form, belonging to his office; nor could he, or any man in his ſtation, poſſibly refuſe it. In the reſt of his conduct, he lived on good terms with the Catholics, and was far from diſtinguiſhing himſelf by his ſeverity againſt that ſect. It is even certain, that he had contracted an intimacy with Coleman, and took care to inform his friend of the danger, to which, by reaſon of Oates's evidence, he was at preſent expoſed.

THERE are ſome writers, who, finding it impoſſible to account for Godfrey's murder by the machinations of the Catholics, have recourſe to the oppoſite ſuppoſition. They lay hold of that obvious preſumption, that thoſe commit the crime who reap advantage by it; and they affirm that it was Shafteſbury and the heads of the popular party, who perpetrated that deed, in order to throw the odium of it on the Papiſts. If this ſuppoſition be received, it muſt alſo be admitted, that the whole plot was the contrivance of thoſe politicians; and that Oates acted altogether under their direction. But it appears, that Oates, dreading probably the oppoſition of powerful enemies, had very anxiouſly acquitted the Duke, Danby, Ormond, and all the miniſtry; perſons who were certainly the moſt obnoxious to the popular leaders. Beſides, the whole texture of the plot contains ſuch low abſurdity, that it is impoſſible to have been the invention of any man of ſenſe or education. It is true, the more monſtrous and horrible the conſpiracy, the better was it fitted to terrify, and thence to convince, the populace: But this effect, we may ſafely ſay, no one could before-hand have expected; and a fool was in this caſe more likely to ſucceed than a wiſe man. Had Shafteſbury laid the plan of a popiſh conſpiracy, he had probably rendered it moderate, conſiſtent, credible; and on that very account had never met with the prodigious ſucceſs, with which Oates's tremendous fictions were attended.

CHAP. LXVII. 1678.

We muſt, therefore, be contented to remain for ever ignorant of the actors in Godfrey's murder; and only pronounce in general, that that event, in all likelihood, had no connexion, one way or other, with the popiſh plot. Any man, eſpecially ſo active a magiſtrate as Godfrey, might, in a ſuch a city as London, have many enemies, of whom his friends and family had no ſuſpicion. He was a melancholy man; and there is ſome reaſon, notwithſtanding the pretended appearances to the contrary, to ſuſpect that he fell by his own hands. The affair was never examined with tranquillity, or even with common ſenſe, during the time; and it is impoſſible for us, at this diſtance, certainly to account for it.

No one doubted but the papiſts had aſſaſſinated Godfrey; but ſtill the particular actors were unknown. A proclamation was iſſued by the king, offering a pardon and a reward of five hundred pounds to any one who ſhould diſcover them. As it was afterwards ſurmized, that the terror of a like aſſaſſination would prevent diſcovery, a new proclamation was iſſued, promiſing abſolute protection to any one who ſhould reveal the ſecret. Thus were indemnity, money, and ſecurity offered to the faireſt bidder: And no one needed to fear, during the preſent fury of the people, that his evidence would undergo too ſevere a ſcrutiny.

21ſt Octob. The parliament.

While the nation was in this ferment, the parliament was aſſembled. In his ſpeech the king told them, that, though they had given money for diſbanding the army [t], he had found Flanders ſo expoſed, that he had thought it neceſſary ſtill to keep them on foot, and doubted not but this meaſure would meet with their approbation. He informed them, that his revenue lay under great anticipa-

[t] They had granted him 600,000 pounds for diſbanding the army, for reimburſing the charges of his naval armament, and for paying the princeſs of Orange's portion.

tions,

CHAP. LXVII. 1678.

tions, and at beſt was never equal to the conſtant and neceſſary expence of government; as would appear from the ſtate of it, which he intended to lay before them. He alſo mentioned the plot, formed againſt his life by Jeſuits; but ſaid, that he would forbear delivering any opinion of the matter, leſt he ſhould ſeem to ſay too much or too little; and that he would leave the ſcrutiny of it entirely to the law.

THE king was anxious to keep the queſtion of the popiſh plot from the parliament; where, he ſuſpected, many deſigning people would very much abuſe the preſent credulity of the nation: But Danby, who hated the catholics, and courted popularity, and perhaps hoped, that the king, if his life were believed in danger from the Jeſuits, would be more cordially loved by the nation, had entertained oppoſite deſigns: and the very firſt day of the ſeſſion, he opened the matter in the houſe of peers. The king was extremely diſpleaſed with this temerity, and told his miniſter, "Though you do not believe it, you "will find, that you have given the parliament a handle "to ruin yourſelf, as well as to diſturb all my affairs; "and you will ſurely live to repent it." Danby had afterwards ſufficient reaſon to applaud the ſagacity of his maſter.

Zeal of the parliament.

THE cry of the plot was immediately echoed from one houſe to the other. The authority of parliament gave ſanction to that fury, with which the people were already agitated. An addreſs was voted for a ſolemn faſt: A form of prayer was contrived for that ſolemnity; and becauſe the popiſh plot had been omitted in the firſt draught, it was carefully ordered to be inſerted; leſt omniſcience ſhould want intelligence, to uſe the words of an hiſtorian [u].

[u] North, p. 207.

IN

CHAP. LXVII.

1678.

In order to continue and propagate the alarm, addreſſes were voted for laying before the houſe ſuch papers as might diſcover the horrible conſpiracy; for the removal of popiſh recuſants from London; for adminiſtering every where the oaths of allegiance and ſupremacy; for denying acceſs at court to all unknown or ſuſpicious perſons; and for appointing the trainbands of London and Weſtminſter to be in readineſs. The lords Powis, Stafford, Arundel, Peters, and Bellaſis, were committed to the Tower, and were ſoon after impeached for high treaſon. And both houſes, after hearing Oates's evidence, voted, "That the lords and commons are of opinion, that there "hath been, and ſtill is, a damnable and helliſh plot, "contrived and carried on by the popiſh recuſants, for "aſſaſſinating the king, for ſubverting the government, "and for rooting out and deſtroying the proteſtant re-"ligion."

So vehement were the houſes, that they ſat every day, forenoon and afternoon, on the ſubject of the plot: For no other buſineſs could be attended to. A committee of lords were appointed to examine priſoners and witneſſes: Blank warrants were put into their hands, for the commitment of ſuch as ſhould be accuſed or ſuſpected. Oates, who, though his evidence were true, muſt, by his own account, be regarded as an infamous villain, was by every one applauded, careſſed, and called the ſaviour of the nation. He was recommended by the parliament to the king. He was lodged in Whitehall, protected by guards, and encouraged by a penſion of 1200 pounds a-year.

Bedloe's narrative.

It was not long before ſuch bountiful encouragement brought forth new witneſſes. William Bedloe, a man, if poſſible, more infamous than Oates, appeared next upon the ſtage. He was of very low birth, had been noted for ſeveral cheats and even thefts, had travelled over

CHAP. LXVII.

1678.

over many parts of Europe under borrowed names, and frequently paſſed himſelf for a man of quality, and had endeavoured, by a variety of lies and contrivances, to prey upon the ignorant and unwary. When he appeared before the council, he gave intelligence of Godfrey's murder only, which, he ſaid, had been perpetrated in Somerſet-houſe, where the queen lived, by papiſts, ſome of them ſervants in her family. He was queſtioned about the plot; but utterly denied all knowledge of it, and alſo aſſerted, that he had no acquaintance with Oates. Next day, when examined before the committee of lords, he bethought himſelf better, and was ready to give an ample account of the plot, which he found ſo anxiouſly enquired into. This narrative he made to tally, as well as he could, with that of Oates, which had been publiſhed: But that he might make himſelf acceptable by new matter, he added ſome other circumſtances, and theſe ſtill more tremendous and extraordinary. He ſaid, that ten thouſand men were to be landed from Flanders in Burlington Bay, and immediately to ſeize Hull: That Jerſey and Guernſey were to be ſurprized by forces from Breſt; and that a French fleet was, all laſt ſummer, hovering in the Channel for that purpoſe: That the lords Powis and Peters were to form an army in Radnorſhire, to be joined by another army, conſiſting of twenty or thirty thouſand religious men and pilgrims, who were to land at Milford Haven from St. Iago in Spain: That there were forty thouſand men ready in London; beſides thoſe, who would, on the alarm, be poſted at every alehouſe door, in order to kill the ſoldiers, as they came out of their quarters: That lord Stafford, Coleman, and father Ireland had money ſufficient to defray the expences of all theſe armaments: That he himſelf was to receive four thouſand pounds, as one that could murder a man; as alſo a commiſſion from lord Bellaſis, and a benediction

nediction from the pope: That the king was to be aſſaſſinated; all the proteſtants maſſacred, who would not ſeriouſly be converted; the government offered to ONE, if he would conſent to hold it of the church, but if he ſhould refuſe that condition, as was ſuſpected, the ſupreme authority would be given to certain lords under the nomination of the pope. In a ſubſequent examination before the commons, Bedloe added (for theſe men always brought out their intelligence ſucceſſively and by piece-meal), that lord Carrington was alſo in the conſpiracy for raiſing men and money againſt the government; as was likewiſe lord Brudenel. Theſe noblemen, with all the other perſons mentioned by Bedloe, were immediately committed to cuſtody by the parliament. CHAP. LXVII. 1678.

IT is remarkable, that the only reſource of Spain, in her preſent decayed condition, lay in the aſſiſtance of England; and, ſo far from being in a ſituation to tranſport ten thouſand men for the invaſion of that kingdom, ſhe had ſolicited and obtained Engliſh forces to be ſent into the garriſons of Flanders, which were not otherwiſe able to defend themſelves againſt the French. The French too, we may obſerve, were at that very time in open war with Spain, and yet are ſuppoſed to be engaged in the ſame deſign againſt England; as if religious motives were become the ſole actuating principle among ſovereigns. But none of theſe circumſtances, however obvious, were able, when ſet in oppoſition to multiplied horrors, antipathies, and prejudices, to engage the leaſt attention of the populace: For ſuch the whole nation were at this time become. The popiſh plot paſſed for inconteſtible: And had not men ſoon expected with certainty the legal puniſhment of theſe criminals, the catholics had been expoſed to the hazard of an univerſal maſſacre. The torrent indeed of national prejudices ran ſo

CHAP. LXVII.

1678.

high, that no one, without the moſt imminent danger, durſt venture openly to oppoſe it; nay, ſcarcely any one, without great force of judgment, could even ſecretly entertain an opinion contrary to the prevailing ſentiments. The loud and unanimous voice of a great nation has mighty authority over weak minds; and even later hiſtorians are ſo ſwayed by the concurring judgment of ſuch multitudes, that ſome of them have eſteemed themſelves ſufficiently moderate, when they affirmed, that many circumſtances of the plot were true, though ſome were added, and others much magnified. But it is an obvious principle, that a witneſs, who perjures himſelf in one circumſtance, is credible in none: And the authority of the plot, even to the end of the proſecutions, ſtood entirely upon witneſſes. Though the catholics had been ſuddenly and unexpectedly detected, at the very moment when their conſpiracy, it is ſaid, was ripe for execution; no arms, no ammunition, no money, no commiſſions, no papers, no letters, after the moſt rigorous ſearch, ever were diſcovered, to confirm the evidence of Oates and Bedloe. Yet ſtill the nation, though often fruſtrated, went on in the eager purſuit and confident belief of the conſpiracy: And even the manifold inconſiſtencies and abſurdities, contained in the narratives, inſtead of diſcouraging them, ſerved only as farther incentives to diſcover the bottom of the plot, and were conſidered as ſlight objections, which a more complete information would fully remove. In all hiſtory, it will be difficult to find ſuch another inſtance of popular frenzy and bigoted deluſion.

In order to ſupport the panic among the people, eſpecially among the citizens of London, a pamphlet was publiſhed with this title, "A narrative and impartial diſ-"covery of the horrid popiſh plot, carried on for burn-"ing and deſtroying the cities of London and Weſtmin-"ſter

CHAP. LXVII. 1678.

"ſter with their ſuburbs; ſetting forth the ſeveral conſults, orders, and reſolutions of the jeſuits, concerning "the ſame: By captain William Bedloe, lately engaged "in that horrid deſign, and one of the popiſh committee "for carrying on ſuch fires." Every fire, which had happened for ſeveral years paſt, is there aſcribed to the machinations of the jeſuits, who purpoſed, as Bedloe ſaid, by ſuch attempts, to find an opportunity for the general maſſacre of the proteſtants; and in the mean time, were well pleaſed to enrich themſelves by pilfering goods from the fire.

THE king, though he ſcrupled not, wherever he could ſpeak freely, to throw the higheſt ridicule on the plot, and on all who believed it; yet found it neceſſary to adopt the popular opinion before the parliament. The torrent, he ſaw, ran too ſtrong to be controuled; and he could only hope, by a ſeeming compliance, to be able, after ſome time, to guide and direct and elude its fury. He made therefore a ſpeech to both houſes; in which he told them, that he would take the utmoſt care of his perſon during theſe times of danger; that he was as ready as their hearts could wiſh, to join with them in all means for eſtabliſhing the proteſtant religion, not only during his own time, but for all future ages; and that, provided the right of ſucceſſion were preſerved, he would conſent to any laws for reſtraining a popiſh ſucceſſor: And in concluſion, he exhorted them to think of effectual means for the conviction of popiſh recuſants; and he highly praiſed the duty and loyalty of all his ſubjects, who had diſcovered ſuch anxious concern for his ſafety.

THESE gracious expreſſions abated nothing of the vehemence of parliamentary proceedings. A bill was introduced for a new teſt, in which popery was denominated idolatry; and all members, who refuſed this teſt, were excluded from both houſes. The bill paſſed the commons

CHAP. LXVII. 1678.

without much oppoſition; but in the upper houſe the duke moved, that an exception might be admitted in his favour. With great earneſtneſs, and even with tears in his eyes, he told them, that he was now to caſt himſelf on their kindneſs, in the greateſt concern which he could have in the world; and he proteſted, that whatever his religion might be, it ſhould only be a private *thing* between God and his own ſoul, and never ſhould appear in his public conduct. Notwithſtanding this ſtrong effort, in ſo important a point, he prevailed only by two voices; a ſufficient indication of the general diſpoſition of the people. "I would not have," ſaid a noble peer, in the debate on this bill, "ſo much as a "popiſh man or a popiſh woman to remain here; not ſo "much as a popiſh dog or a popiſh bitch; not ſo much "as a popiſh cat to pur or mew about the king." What is more extraordinary, this ſpeech met with praiſe and approbation.

ENCOURAGED by this general fury, the witneſſes went ſtill a ſtep farther in their accuſations; and though both Oates and Bedloe had often declared, that there was no other perſon of diſtinction, whom they knew to be concerned in the plot, they were now ſo audacious as to accuſe the queen herſelf of entering into the deſign againſt the life of her huſband. The commons, in an addreſs to the king, gave countenance to this ſcandalous accuſation; but the lords would not be prevailed with to join in the addreſs. It is here, if any where, that we may ſuſpect the ſuggeſtions of the popular leaders to have had place. The king, it was well known, bore no great affection to his conſort; and now, more than ever, when his brother and heir was ſo much hated, had reaſon to be deſirous of iſſue, which might quiet the jealous fears of his people. This very hatred, which prevailed againſt the duke, would much facilitate, he knew, any expedient that could

could be deviſed for the excluſion of that prince; and nothing farther ſeemed requiſite for the king, than to give way in this particular to the rage and fury of the nation. But Charles, notwithſtanding all allurements of pleaſure, or intereſt, or ſafety, had the generoſity to protect his injured conſort. "They think," ſaid he, "I have a mind to a new wife; but for all that, I will "not ſee an innocent woman abuſed[w]." He immediately ordered Oates to be ſtrictly confined, ſeized his papers, and diſmiſſed his ſervants; and this daring informer was obliged to make applications to parliament, in order to recover his liberty.

CHAP. LXVII. 1678.

DURING this agitation of men's minds, the parliament gave new attention to the militia; a circumſtance, which, even during times of greateſt tranquillity, can never prudently be neglected. They paſſed a bill, by which it was enacted, that a regular militia ſhould he kept in arms, during ſix weeks of the year, and a third part of them do duty every fortnight of that time. The popular leaders probably intended to make uſe of the general prejudices, and even to turn the arms of the people againſt the prince[x]. But Charles refuſed his aſſent to the bill, and told the parliament, that he would not, were it for half an hour, part ſo far with the power of the ſword: But if they would contrive any other bill for ordering the militia, and ſtill leave it in his power to aſſemble or diſmiſs them as he thought proper, he would willingly give it the royal aſſent. The commons diſſatisfied with this negative, though the king had never before employed that prerogative, immediately voted that all the new-levied forces ſhould be diſbanded. They paſſed a bill, granting money for that purpoſe; but to ſhew their extreme jealouſy of the crown, beſides appropriating the money by the ſtricteſt clauſes, they ordered it to be paid not into the exchequer, but into the chamber of

[w] North's Examen, p. 186. [x] Burnet, vol. i. p. 437.

CHAP. LXVII.

1678.

London. The lords demurred with regard to ſo extraordinary a clauſe, which threw a violent reflection on the king's miniſters, and even on himſelf; and by that means the act remained in ſuſpenſe.

Accuſation of Danby.

It was no wonder, that the preſent ferment and credulity of the nation engaged men of infamous character and indigent circumſtances to become informers; when perſons of rank and condition could be tempted to give into that ſcandalous practice. Montague, the king's ambaſſador at Paris, had procured a ſeat in the lower houſe; and without obtaining or aſking the king's leave, he ſuddenly came over to England. Charles, ſuſpecting his intention, ordered his papers to be ſeized; but Montague, who foreſaw this meaſure, had taken care to ſecrete one paper, which he immediately laid before the houſe of commons. It was a letter from the treaſurer Danby written in the beginning of the year, during the negociations at Nimeguen for the general peace. Montague was there directed to make a demand of money from France; or in other words, the king was willing ſecretly to ſell his good offices to Lewis, contrary to the general intereſts of the confederates, and even to thoſe of his own kingdoms. The letter, among other particulars, contains theſe words: "In caſe the conditions "of peace ſhall be accepted, the king expects to have "ſix millions of livres a year for three years, from the "time that this agreement ſhall be ſigned between his "majeſty and the king of France; becauſe it will proba-"bly be two or three years before the parliament will "be in humour to give him any ſupplies after the mak-"ing of any peace with France; and the ambaſſador "here has always agreed to that ſum; but not for ſo "long a time." Danby was ſo unwilling to engage in this negociation, that the king, to ſatisfy him, ſubjoined with his own hand theſe words: "This letter is writ "by my order, C. R." Montague, who revealed this ſecret

CHAP. LXVII.

1678.

ſecret correſpondence, had even the baſeneſs to ſell his baſe treachery at a high price to the French monarch[a].

THE commons were inflamed with this intelligence againſt Danby; and carrying their ſuſpicions farther than the truth, they concluded, that the king had all along acted in concert with the French court; and that every ſtep, which he had taken in conjunction with the allies, had been illuſory and deceitful. Deſirous of getting to the bottom of ſo important a ſecret, and being puſhed by Danby's numerous enemies, they immediately voted an impeachment of high treaſon againſt that miniſter, and ſent up ſix articles to the houſe of peers. Theſe articles were, That he had traiterouſly engroſſed to himſelf regal power, by giving inſtructions to his majeſty's ambaſſadors, without the participation of the ſecretaries of ſtate, or the privy-council: That he had traiterouſly endeavoured to ſubvert the government, and introduce arbitrary power; and to that end, had levied and continued an army, contrary to act of parliament: That he had traiterouſly endeavoured to alienate the affections of his majeſty's ſubjects, by negociating a diſadvantageous peace with France, and procuring money for that purpoſe: That he was popiſhly affected, and had traiterouſly concealed, after he had notice, the late horrid and bloody plot, contrived by the papiſts againſt his majeſty's perſon, and government: That he had waſted the king's treaſure; and that he had, by indirect means, obtained ſeveral exorbitant grants from the crown.

His impeachment.

IT is certain, that the treaſurer, in giving inſtructions to an ambaſſador, had exceeded the bounds of his office; and as the genius of a monarchy, ſtrictly limited, requires, that the proper miniſter ſhould be anſwerable for every abuſe of power, the commons, though they here advanced a new pretenſion, might juſtify themſelves by the utility,

[a] Appendix to Sir John Dalrymple's Memoirs.

CHAP. LXVII. 1678.

and even neceſſity of it. But in other reſpects their charge againſt Danby was very ill grounded. That miniſter made it appear to the houſe of lords, not only that Montague, the informer againſt him, had all along promoted the money-negociations with France, but that he himſelf was ever extremely averſe to the intereſts of that crown, which he eſteemed pernicious to his maſter, and to his country. The French nation, he ſaid, had always entertained, as he was certainly informed, the higheſt contempt, both of the king's perſon and government. His diligence, he added, in tracing and diſcovering the popiſh plot, was generally known; and if he had common ſenſe, not to ſay common honeſty, he would ſurely be anxious to preſerve the life of a maſter, by whom he was ſo much favoured. He had waſted no treaſure, becauſe there was no treaſure to waſte. And though he had reaſon to be grateful for the king's bounty, he had made more moderate acquiſitions than were generally imagined, and than others in his office had often done, even during a ſhorter adminiſtration.

THE houſe of peers plainly ſaw, that, allowing all the charge of the commons to be true, Danby's crime fell not under the ſtatute of Edward III.; and though the words, *treaſon* and *traiterouſly*, had been carefully inſerted in ſeveral articles, this appellation could not change the nature of things, or ſubject him to the penalties annexed to that crime. They refuſed, therefore, to commit Danby upon this irregular charge: The commons inſiſted on their demand; and a great conteſt was likely to ariſe, when the king, who had already ſeen ſufficient inſtances of the ill-humour of the parliament, thought proper to prorogue them. This prorogation was ſoon after followed by a diſſolution; a deſperate remedy in the preſent diſpoſition of the nation. But the diſeaſe, it muſt be owned, the king had reaſon to eſteem deſperate. The utmoſt rage had been diſcovered by the commons, on account

30th Dec. Diſſolution of the long parliament.

account of the popiſh plot; and their fury began already to point againſt the royal family, if not againſt the throne itſelf. The duke had been ſtruck at in ſeveral motions: The treaſurer had been impeached: All ſupply had been refuſed, except on the moſt diſagreeable conditions: Fears, jealouſies, and antipathies were every day multiplying in parliament: And though the people were ſtrongly infected with the ſame prejudices, the king hoped, that, by diſſolving the preſent cabals, a ſet of men might be choſen more moderate in their purſuits, and leſs tainted with the virulence of faction. CHAP. LXVII. 1678.

THUS came to a period a parliament, which had ſitten during the whole courſe of this reign, one year excepted. Its concluſion was very different from its commencement. Being elected during the joy and feſtivity of the reſtoration, it conſiſted almoſt entirely of royaliſts; who were diſpoſed to ſupport the crown by all the liberality which the habits of that age would permit. Alarmed by the alliance with France, they gradually withdrew their confidence from the king; and finding him ſtill to perſevere in a foreign intereſt, they proceeded to diſcover ſymptoms of the moſt refractory and moſt jealous diſpoſition. The popiſh plot puſhed them beyond all bounds of moderation; and before their diſſolution, they ſeemed to be treading faſt in the footſteps of the laſt long parliament, on whoſe conduct they threw at firſt ſuch violent blame. In all their variations, they had ſtill followed the opinions and prejudices of the nation; and ever ſeemed to be more governed by humour and party-views than by public intereſt, and more by public intereſt than by any corrupt or private influence. Its character.

DURING the ſitting of the parliament, and after its prorogation and diſſolution, the trials of the pretended criminals were carried on; and the courts of judicature, places, which, if poſſible, ought to be kept more pure from

CHAP. LXVII.

1678. Trial of Coleman.

from injuſtice than even national aſſemblies themſelves, were ſtrongly infected with the ſame party-rage and bigoted prejudices. Coleman, the moſt obnoxious of the conſpirators, was firſt brought to his trial. His letters were produced againſt him. They contained, as he himſelf confeſſed, much indiſcretion: But unleſs ſo far as it is illegal to be a zealous catholic, they ſeemed to prove nothing criminal, much leſs treaſonable againſt him. Oates and Bedloe depoſed, that he had received a commiſſion, ſigned by the ſuperior of the jeſuits, to be papal ſecretary of ſtate, and had conſented to the poiſoning, ſhooting, and ſtabbing of the king; He had even, according to Oates's depoſition, advanced a guinea to promote thoſe bloody purpoſes. Theſe wild ſtories were confounded with the projects contained in his letters; and Coleman received ſentence of death. The ſentence was ſoon after executed upon him[y]. He ſuffered with calmneſs and conſtancy, and to the laſt perſiſted in the ſtrongeſt proteſtations of his innocence.

Of Ireland.

COLEMAN's execution was ſucceeded by the trial of father Ireland, who, it is pretended, had ſigned, together with fifty jeſuits, the great reſolution of murdering the king. Grove and Pickering, who had undertaken to ſhoot him, were tried at the ſame time. The only witneſſes againſt the priſoners were ſtill Oates and Bedloe. Ireland affirmed, that he was in Staffordſhire all the month of Auguſt laſt, a time when Oates's evidence made him in London. He proved his aſſertion by good evidence, and would have proved it by undoubted, had he not, moſt iniquitouſly, been debarred, while in priſon, from all uſe of pen, ink, and paper, and denied the liberty of ſending for witneſſes. All theſe men, before their arraignment, were condemned in the opinion of the judges, jury, and ſpectators; and to be a jeſuit, or even a catholic, was of

[y] 3d of December.

itſelf

itſelf a ſufficient proof of guilt. The chief juſtice[z], in particular, gave ſanction to all the narrow prejudices and bigoted fury of the populace. Inſtead of being counſel for the priſoners, as his office required, he pleaded the cauſe againſt them, brow-beat their witneſſes, and on every occaſion repreſented their guilt as certain and uncontroverted. He even went ſo far as publicly to affirm, that the papiſts had not the ſame principles which proteſtants have, and therefore were not intitled to that common *credence*, which the principles and practices of the latter call for. And when the jury brought in their verdict againſt the priſoners, he ſaid, "You have done, "gentlemen, like very good ſubjects, and very good "Chriſtians, that is to ſay, like very good proteſtants: "And now much good may their 30,000 maſſes do "them." Alluding to the maſſes by which Pickering was to be rewarded for murdering the king. All theſe unhappy men went to execution, proteſting their innocence; a circumſtance, which made no impreſſion on the ſpectators. The opinion, that the jeſuits allowed of lies and mental reſervations for promoting a good cauſe, was at this time ſo univerſally received, that no credit was given to teſtimony delivered either by that order, or by any of their diſciples. It was forgotten, that all the conſpirators engaged in the gun-powder treaſon, and Garnet, the jeſuit, among the reſt, had freely on the ſcaffold made confeſſion of their guilt.

CHAP. LXVII. 1678. 1679. 14th Jan.

THOUGH Bedloe had given information of Godfrey's murder, he ſtill remained a ſingle evidence againſt the perſons accuſed; and all the allurements of profit and honour had not hitherto tempted any one to confirm the teſtimony of that informer. At laſt, means were found to complete the legal evidence. One Prance, a ſilverſmith, and a catholic, had been accuſed by Bedloe of being an accomplice in the murder; and upon his denial

[z] Sir William Scroggs.

had

CHAP. LXVII. 1679.

had been thrown into priſon, loaded with heavy irons, and confined to the condemned hole, a place cold, dark, and full of naſtineſs. Such rigours were ſuppoſed to be exerciſed by orders from the ſecret committee of lords, particularly Shafteſbury and Buckingham; who, in examining the priſoners, uſually employed (as is ſaid, and indeed ſufficiently proved) threatenings and promiſes, rigour and indulgence, and every art, under pretence of extorting the truth from them. Prance had not courage to reſiſt, but confeſſed himſelf an accomplice in Godfrey's murder. Being aſked concerning the plot, he alſo thought proper to be acquainted with it, and conveyed ſome intelligence to the council. Among other abſurd circumſtances, he ſaid that one Le Fevre bought a ſecond-hand ſword of him; becauſe he knew not, as he ſaid, what times were at hand: And Prance expreſſing ſome concern for poor tradeſmen, if ſuch times came; Le Fevre replied, that it would be better for tradeſmen, if the catholic religion were reſtored: And particularly, that there would be more church work for ſilverſmiths. All this information with regard to the plot as well as the murder of Godfrey, Prance ſolemnly retracted, both before the king and the ſecret committee: But being again thrown into priſon, he was induced by new terrors and new ſufferings, to confirm his firſt information, and was now produced as a ſufficient evidence.

Hill, Green, and Berry were tried for Godfrey's murder; all of them men of low ſtations. Hill was ſervant to a phyſician: The other two belonged to the popiſh chapel at Somerſet-houſe. It is needleſs to run over all the particulars of a long trial: It will be ſufficient to ſay, that Bedloe's evidence and Prance's were in many circumſtances totally irreconcileable; that both of them laboured under unſurmountable difficulties, not

to

CHAP. LXVII.

to ſay groſs abſurdities; and that they were invalidated by contrary evidence, which is altogether convincing. But all was in vain: The priſoners were condemned and executed. They all denied their guilt at their execution; and as Berry died a proteſtant, this circumſtance was regarded as very conſiderable: But, inſtead of its giving ſome check to the general credulity of the people, men were only ſurpriſed, that a proteſtant could be induced at his death to perſiſt in ſo manifeſt a falſehood.

1679. Feb. 21ſt and 28th.

As the army could neither be kept up, nor diſbanded without money, the king, how little hopes ſoever he could entertain of more compliance, found himſelf obliged to ſummon a new parliament. The blood, already ſhed on account of the popiſh plot, inſtead of ſatiating the people, ſerved only as an incentive to their fury; and each conviction of a criminal was hitherto regarded as a new proof of thoſe horrible deſigns imputed to the papiſts. This election is perhaps the firſt in England, which, ſince the commencement of the monarchy, had been carried on by a violent conteſt between the parties, and where the court intereſted itſelf, to a high degree, in the choice of the national repreſentatives. But all its efforts were fruitleſs, in oppoſition to the torrent of prejudices which prevailed. Religion, liberty, property, even the lives of men were now ſuppoſed to be at ſtake; and no ſecurity, it was thought, except in a vigilant parliament, could be found againſt the impious and bloody conſpirators. Were there any part of the nation, to which the ferment, occaſioned by the popiſh plot, had not as yet propagated itſelf; the new elections, by intereſting the whole people in public concerns, tended to diffuſe it into the remoteſt corner; and the conſternation, univerſally excited, proved an excellent engine for influencing the electors. All the zealots of the former parliament were re-choſen: New ones were added:

New elections.

CHAP. LXVII.

1679.

added: The preſbyterians, in particular, being tranſported with the moſt inveterate antipathy againſt popery, were very active and very ſucceſsful in the elections. That party, it is ſaid, firſt began at this time the abuſe of ſplitting their freeholds, in order to multiply votes and electors. By accounts, which came from every part of England, it was concluded, that the new repreſentatives would, if poſſible, exceed the old in their refractory oppoſition to the court, and furious perſecution of the catholics.

THE king was alarmed, when he ſaw ſo dreadful a tempeſt ariſe from ſuch ſmall and unaccountable beginnings. His life, if Oates and Bedloe's information were true, had been aimed at by the catholics: Even the duke's was in danger: The higher, therefore, the rage mounted againſt popery, the more ſhould the nation have been reconciled to theſe princes, in whom, it appeared, the church of Rome repoſed no confidence. But there is a ſophiſtry, which attends all the paſſions; eſpecially thoſe into which the populace enter. Men gave credit to the informers, ſo far as concerned the guilt of the catholics: But they ſtill retained their old ſuſpicions, that theſe religioniſts were ſecretly favoured by the king, and had obtained the moſt entire aſcendant over his brother. Charles had too much penetration not to ſee the danger, to which the ſucceſſion, and even his own crown and dignity, now ſtood expoſed. A numerous party, he found, was formed againſt him; on the one hand, compoſed of a populace, ſo credulous from prejudice, ſo blinded with religious antipathy, as implicitly to believe the moſt palpable abſurdities; and conducted, on the other hand, by leaders ſo little ſcrupulous, as to endeavour, by encouraging perjury, ſubornation, lies, impoſtures, and even by ſhedding innocent blood, to gratify their own furious ambition, and ſubvert all legal authority.

authority. Rouzed from his lethargy by ſo imminent a peril, he began to exert that vigour of mind, of which, on great occaſions, he was not deſtitute; and without quitting in appearance his uſual facility of temper, he collected an induſtry, firmneſs, and vigilance, of which he was believed altogether incapable. Theſe qualities, joined to dexterity and prudence, conducted him happily through the many ſhoals which ſurrounded him; and he was at laſt able to make the ſtorm fall on the heads of thoſe who had blindly raiſed, or artfully conducted it. CHAP. LXVII. 1679.

One chief ſtep, which the king took, towards gratifying and appeaſing his people and parliament, was, deſiring the duke to withdraw beyond ſea, that no farther ſuſpicion might remain of the influence of popiſh counſels. The duke readily complied; but firſt required an order for that purpoſe, ſigned by the king; leſt his abſenting himſelf ſhould be interpreted as a proof of fear or of guilt. He alſo deſired, that his brother ſhould ſatisfy him, as well as the public, by a declaration of the illegitimacy of the duke of Monmouth.

Duke of Monmouth.

James duke of Monmouth was the king's natural ſon by Lucy Walters, and born about ten years before the reſtoration. He poſſeſſed all the qualities which could engage the affections of the populace; a diſtinguiſhed valour, an affable addreſs, a thoughtleſs generoſity, a graceful perſon. He roſe ſtill higher in the public favour, by reaſon of the univerſal hatred to which the duke, on account of his religion, was expoſed. Monmouth's capacity was mean; his temper pliant: So that, notwithſtanding his great popularity, he had never been dangerous, had he not implicitly reſigned himſelf to the guidance of Shaftſbury, a man of ſuch a reſtleſs temper, ſuch ſubtle wit, and ſuch abandoned principles. That daring politician had flattered Monmouth with the hopes of ſucceeding to the crown. The ſtory of a contract of marriage,

CHAP. LXVII.

1679.

marriage paſſed between the king and Monmouth's mother, and ſecretly kept in a certain *black box*, had been induſtriouſly ſpread abroad, and was greedily received by the multitude. As the horrors of popery ſtill preſſed harder on them, they might be induced, either to adopt that fiction, as they had already done many others more incredible, or to commit open violation on the right of ſucceſſion. And it would not be difficult, it was hoped, to perſuade the king, who was extremely fond of his ſon, to give him the preference above a brother, who, by his imprudent bigotry, had involved him in ſuch inextricable difficulties. But Charles, in order to cut off all ſuch expectations, as well as to remove the duke's apprehenſions, took care, in full council, to make a declaration of Monmouth's illegitimacy, and to deny all promiſe of marriage with his mother. The duke, being gratified in ſo reaſonable a requeſt, willingly complied with the king's deſire, and retired to Bruſſels.

Duke of York retires to Bruſſels.

6th March New parliament.

But the king ſoon found, that, notwithſtanding this precaution, notwithſtanding his concurrence in the proſecution of the popiſh plot, notwithſtanding the zeal which he expreſſed, and even at this time exerciſed againſt the catholics; he had nowiſe obtained the confidence of his parliament. The refractory humour of the lower houſe appeared in the firſt ſtep which they took upon their aſſembling. It had ever been uſual for the commons, in the election of their ſpeaker, to conſult the inclinations of their ſovereign; and even the long parliament in 1641 had not thought proper to depart from ſo eſtabliſhed a cuſtom. The king now deſired, that the choice ſhould fall on Sir Thomas Meres: But Seymour, ſpeaker to the laſt parliament, was inſtantly called to the chair, by a vote which ſeemed unanimous. The king, when Seymour was preſented to him for his approbation, rejected him, and ordered the commons to proceed to a

new

new choice. A great flame was excited. The commons maintained, that the king's approbation was merely a matter of form, and that he could not, without giving a reaſon, reject the ſpeaker choſen: The king, that, ſince he had the power of rejecting, he might, if he pleaſed, keep the reaſon in his own breaſt. As the queſtion had never before been ſtarted, it might ſeem difficult to find principles, upon which it could be decided[a]. By way of compromiſe, it was agreed to ſet aſide both candidates. Gregory, a lawyer, was choſen; and the election was ratified by the king. It has ever ſince been underſtood, that the choice of the ſpeaker lies in the houſe; but that the king retains the power of rejecting any perſon diſagreeable to him.

CHAP. LXVII. 1679.

SEYMOUR was deemed a great enemy to Danby; and it was the influence of that nobleman, as commonly ſuppoſed, which had engaged the king to enter into this ill-timed controverſy with the commons. The impeachment, therefore, of Danby was, on that account, the ſooner revived; and it was maintained by the commons, that, notwithſtanding the intervening diſſolution, every part of that proceeding ſtood in the ſame condition in which it had been left by the laſt parliament: A pretenſion, which, though unuſual, ſeems tacitly to have been yielded them. The king had before-hand had the precaution to grant a pardon to Danby; and, in order to ſcreen the chancellor from all attacks by the commons, he had taken the great ſeal into his own hands, and had himſelf affixed it to the parchment. He told the parliament, that, as Danby had acted in every thing by his

Danby's impeachment.

[a] In 1566, the ſpeaker ſaid to Q. Elizabeth, that without her allowance the election of the houſe was of no ſignificance. D'Ewes's Journal, p. 97. In the parliament 1592, 1593, the ſpeaker, who was Sir Edward Coke, advances a like poſition. D'Ewes, p. 459. Townſhend, p. 35. So that this pretenſion of the commons ſeems to have been ſomewhat new; like many other powers and privileges.

CHAP. LXVII.

1679.

orders, he was in no reſpect criminal; that his pardon, however, he would inſiſt upon; and if it ſhould be found any wiſe defective in form, he would renew it again and again, till it ſhould be rendered entirely complete: But that he was reſolved to deprive him of all employments, and to remove him from court.

THE commons were no wiſe ſatisfied with this conceſſion. They pretended, that no pardon of the crown could be pleaded in bar of an impeachment by the commons. The prerogative of mercy had hitherto been underſtood to be altogether unlimited in the king; and this pretenſion of the commons, it muſt be confeſſed, was entirely new. It was however not unſuitable to the genius of a monarchy ſtrictly limited; where the king's miniſters are ſuppoſed to be for ever accountable to national aſſemblies, even for ſuch abuſes of power as they may commit by orders from their maſter. The preſent emergence, while the nation was ſo highly inflamed, was the proper time for puſhing ſuch popular claims; and the commons failed not to avail themſelves of this advantage. They ſtill inſiſted on the impeachment of Danby. The peers, in compliance with them, departed from their former ſcruples, and ordered Danby to be taken into cuſtody. Danby abſconded. The commons paſſed a bill, appointing him to ſurrender himſelf before a certain day, or, in default of it, attainting him. A bill had paſſed the upper houſe, mitigating the penalty to baniſhment; but after ſome conferences, the peers thought proper to yield to the violence of the commons; and the bill of attainder was carried. Rather than undergo ſuch ſevere penalties, Danby appeared, and was immediately committed to the Tower.

WHILE a proteſtant nobleman met with ſuch violent proſecution, it was not likely that the catholics would be overlooked by the zealous commons. The credit of the

1679. Popiſh plot.

the popiſh plot ſtill ſtood upon the oaths of a few infamous witneſſes. Though ſuch immenſe preparations were ſuppoſed to have been made in the very bowels of the kingdom, no traces of them, after the moſt rigorous enquiry, had as yet appeared. Though ſo many thouſands, both abroad and at home, had been engaged in the dreadful ſecret; neither hope, nor fear, nor remorſe, nor levity, nor ſuſpicions, nor private reſentment, had engaged any one to confirm the evidence. Though the catholics, particularly the Jeſuits, were repreſented as guilty of the utmoſt indiſcretion, inſomuch that they talked of the king's murder as common news, and wrote of it in plain terms by the common poſt; yet, among the great number of letters ſeized, no one contained any part of ſo complicated a conſpiracy. Though the informers pretended, that, even after they had reſolved to betray the ſecret, many treaſonable commiſſions and papers had paſſed through their hands; they had not had the precaution to keep any one of them, in order to fortify their evidence. But all theſe difficulties, and a thouſand more, were not found too hard of digeſtion by the nation and parliament. The proſecution and farther diſcovery of the plot were ſtill the object of general concern. The commons voted, that, if the king ſhould come to an untimely end, they would revenge his death upon the papiſts; not reflecting that this ſect were not his only enemies. They promiſed rewards to new diſcoverers; not conſidering the danger, which they incurred, of granting bribes to perjury. They made Bedloe a preſent of 500 pounds; and particularly recommended the care of his ſafety to the duke of Monmouth. Colonel Sackville, a member, having, in a private company, ſpoken opprobriouſly of thoſe who affirmed that there was any plot, was expelled the houſe.

CHAP. LXVII.

1679. The peers gave power to their committees to ſend for and examine ſuch as would maintain the innocence of thoſe who had been condemned for the plot. A pamphlet having been publiſhed to diſcredit the informers, and to vindicate the catholic lords in the Tower, theſe lords were required to diſcover the author, and thereby to expoſe their own advocate to proſecution. And both houſes concurred in renewing the former vote, that the papiſts had undoubtedly entered into a *horrid* and *treaſonable* conſpiracy againſt the king, the ſtate, and the proteſtant religion.

It muſt be owned, that this extreme violence, in proſecution of ſo abſurd an impoſture, diſgraces the noble cauſe of liberty, in which the parliament was engaged. We may even conclude from ſuch impatience of contradiction, that the proſecutors themſelves retained a ſecret ſuſpicion, that the general belief was but ill-grounded. The politicians among them were afraid to let in light, leſt it might put an end to ſo uſeful a deluſion: The weaker and leſs diſhoneſt party took care, by turning their eyes aſide, not to ſee a truth, ſo oppoſite to thoſe furious paſſions by which they were actuated, and in which they were determined obſtinately to perſevere.

Sir William Temple had lately been recalled from his foreign employments; and the king, who, after the removal of Danby, had no one with whom he could ſo much as diſcourſe with freedom of public affairs, was reſolved, upon Coventry's diſmiſſion, to make him one of his ſecretaries of ſtate. But that philoſophical patriot, too little intereſted for the intrigues of a court, too full of ſpleen and delicacy for the noiſy turbulence of popular aſſemblies, was alarmed at the univerſal diſcontents and jealouſies which prevailed, and was determined to make his retreat, as ſoon as poſſible, from a ſcene which threatened

threatened ſuch confuſion. Meanwhile, he could not refuſe the confidence with which his maſter honoured him; and he reſolved to employ it to the public ſervice. He repreſented to the king, that, as the jealouſies of the nation were extreme, it was neceſſary to cure them by ſome new remedy, and to reſtore that mutual confidence, ſo requiſite for the ſafety both of king and people: That to refuſe every thing to the parliament in their preſent diſpoſition, or to yield every thing, was equally dangerous to the conſtitution, as well as to public tranquillity: That if the king would introduce into his councils ſuch men as enjoyed the confidence of his people, fewer conceſſions would probably be required; or if unreaſonable demands were made, the king, under the ſanction of ſuch counſellors, might be enabled, with the greater ſafety to refuſe them: And that the heads of the popular party, being gratified with the king's favour, would probably abate of that violence by which they endeavoured at preſent to pay court to the multitude. CHAP. LXVII. 1679.

THE king aſſented to theſe reaſons; and, in concert with Temple, he laid the plan of a new privy-council, without whoſe advice he declared himſelf determined for the future to take no meaſure of importance. This council was to conſiſt of thirty perſons, and was never to exceed that number. Fifteen of the chief officers of the crown were to be continued, who, it was ſuppoſed, would adhere to the king, and, in caſe of any extremity, oppoſe the exorbitancies of faction. The other half of the council was to be compoſed, either of men of character, detached from the court, or of thoſe who poſſeſſed chief credit in both houſes. And the king, in filling up the names of his new council, was well pleaſed to find, that the members, in land and offices, poſſeſſed to the amount of 300,000 pounds a-year; a ſum nearly equal to the whole property of the houſe of commons, againſt New council.

CHAP. LXVII.

whoſe violence the new council was intended as a barrier to the throne [b].

1679. THIS experiment was tried, and ſeemed at firſt to give ſome ſatisfaction to the public. The earl of Eſſex, a nobleman of the popular party, ſon of that lord Capel who had been beheaded a little after the late king, was created treaſurer in the room of Danby: The earl of Sunderland, a man of intrigue and capacity, was made ſecretary of ſtate: Viſcount Halifax, a fine genius, poſſeſſed of learning, eloquence, induſtry, but ſubject to inquietude, and fond of refinements, was admitted into the council. Theſe three, together with Temple, who often joined them, though he kept himſelf more detached from public buſineſs, formed a kind of cabinet council, from which all affairs received their firſt digeſtion. Shafteſbury was made preſident of the council; contrary to the advice of Temple, who foretold the conſequence of admitting a man of ſo dangerous a character into any part of the public adminiſtration.

As Temple foreſaw, it happened. Shafteſbury, finding that he poſſeſſed no more than the appearance of court-favour, was reſolved ſtill to adhere to the popular party, by whoſe attachment he enjoyed an undiſputed ſuperiority in the lower houſe, and poſſeſſed great influence in the other. The very appearance of court-favour, empty as it was, tended to render him more dangerous. His partizans, obſerving the progreſs which

[b] Their names were: Prince Rupert, the archbiſhop of Canterbury, lord Finch, chancellor, earl of Shafteſbury, preſident, earl of Angleſea, privy-ſeal, duke of Albemarle, duke of Monmouth, duke of Newcaſtle, duke of Lauderdale, duke of Ormond, marquis of Winchester, marquis of Worceſter, earl of Arlington, earl of Saliſbury, earl of Bridgwater, earl of Sunderland, earl of Eſſex, earl of Bath, viſcount Fauconberg, viſcount Halifax, biſhop of London, lord Roberts, lord Hollis, lord Ruſſel, lord Cavendiſh, ſecretary Coventry, Sir Francis North, chief juſtice, Sir Henry Capel, Sir John Ernley, Sir Thomas Chicheley, Sir William Temple, Edward Seymour, Henry Powle,

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he had already made, hoped, that he would ſoon acquire the entire aſcendant; and he conſtantly flattered them, that if they perſiſted in their purpoſe, the king, from indolence, and neceſſity, and fondneſs for Monmouth, would at laſt be induced, even at the expence of his brother's right, to make them every conceſſion. CHAP. LXVII. 1679.

BESIDES, the antipathy to popery, as well as jealouſy of the king and duke, had taken too faſt poſſeſſion of men's minds, to be removed by ſo feeble a remedy, as this new council, projected by Temple. The commons, ſoon after the eſtabliſhment of that council, proceeded ſo far as to vote unanimouſly, "That the duke of York's "being a papiſt, and the hopes of his coming to the "crown, had given the higheſt countenance to the pre-"ſent conſpiracies and deſigns of the papiſts againſt the "king and the proteſtant religion." It was expected, that a bill for excluding him the throne would ſoon be brought in. To prevent this bold meaſure, the king concerted ſome limitations, which he propoſed to the parliament. He introduced his plan by the following gracious expreſſions: "And to ſhew you, that, while "you are doing your parts, my thoughts have not been "miſemployed, but that it is my conſtant care to do "every thing that may preſerve your religion, and ſe-"cure it for the future in all events, I have commanded "my lord chancellor to mention ſeveral particulars; "which, I hope, will be an evidence, that, in all things "which concern the public ſecurity, I ſhall not follow "your zeal, but lead it."

THE limitations projected were of the utmoſt importance, and deprived the ſucceſſor of the chief branches of royalty. A method was there chalked out, by which the nation, on every new reign, could be enſured of having a parliament, which the king ſhould not, for a certain time, have it in his power to diſſolve. In caſe Limitations on a popiſh ſucceſſor.

CHAP. LXVII.

1679.

of a popiſh ſucceſſor, the prince was to forfeit the right of conferring any eccleſiaſtical preferments: No member of the privy council, no judge of the common law or in chancery, was to be put in or diſplaced but by conſent of parliament: And the ſame precaution was extended to the military part of the government; to the lord lieutenants and deputy lieutenants of the counties, and to all officers of the navy. The chancellor of himſelf added, "It is hard to invent another reſtraint; conſidering how "much the revenue will depend upon the conſent of "parliament, and how impoſſible it is to raiſe money "without ſuch conſent. But yet, if any thing elſe can "occur to the wiſdom of parliament, which may far-"ther ſecure religion and liberty againſt a popiſh ſucceſ-"ſor, without defeating the right of ſucceſſion itſelf, his "majeſty will readily conſent to it."

It is remarkable, that, when theſe limitations were firſt laid before the council, Shafteſbury and Temple were the only members who argued againſt them. The reaſons which they employed, were diametrically oppoſite. Shafteſbury's opinion was, that the reſtraints were inſufficient; and that nothing but the total excluſion of the duke could give a proper ſecurity to the kingdom. Temple, on the other hand, thought that the reſtraints were ſo rigorous as even to ſubvert the conſtitution; and that ſhackles, put upon a popiſh ſucceſſor, would not afterwards be eaſily caſt off by a proteſtant. It is certain, that the duke was extremely alarmed when he heard of this ſtep taken by the king, and that he was better pleaſed even with the bill of excluſion itſelf, which, he thought, by reaſon of its violence and injuſtice, could never poſſibly be carried into execution. There is alſo reaſon to believe, that the king would not have gone ſo far, had he not expected, from the extreme fury of the commons, that his conceſſions would be rejected, and that

that the blame of not forming a reaſonable accommodation would by that means lie entirely at their door. CHAP. LXVII. 1679.

It ſoon appeared that Charles had entertained a juſt opinion of the diſpoſitions of the houſe. So much were the commons actuated by the cabals of Shafteſbury and other malcontents; ſuch violent antipathy prevailed againſt popery, that the king's conceſſions, though much more important than could reaſonably have been expected, were not embraced. A bill was brought in for the total excluſion of the duke from the crown of England and Ireland. It was there declared, that the ſovereignty of theſe kingdoms, upon the king's death or reſignation, ſhould devolve to the perſon next in ſucceſſion after the duke; that all acts of royalty which that prince ſhould afterwards perform, ſhould not only be void, but be deemed treaſon; that if he ſo much as entered any of theſe dominions, he ſhould be deemed guilty of the ſame offence; and that all who ſupported his title ſhould be puniſhed as rebels and traitors. This important bill, which implied baniſhment as well as excluſion, paſſed the lower houſe by a majority of ſeventy-nine. Bill of excluſion.

The commons were not ſo wholly employed about the excluſion-bill as to overlook all other ſecurities to liberty. The country party, during all the laſt parliament, had much exclaimed againſt the bribery and corruption of the members; and the ſame reproach had been renewed againſt the preſent parliament. An enquiry was made into a complaint which was ſo dangerous to the honour of that aſſembly; but very little foundation was found for it. Sir Stephen Fox, who was the pay-maſter, confeſſed to the houſe, that nine members received penſions to the amount of three thouſand four hundred pounds: And after a rigorous enquiry by a ſecret committee, eight more penſioners were diſcovered. A ſum alſo, about twelve thouſand pounds, had been occaſionally given or lent

CHAP. LXVII. 1679.

lent to others. The writers of that age pretend that Clifford and Danby had adopted oppoſite maxims with regard to pecuniary influence. The former endeavoured to gain the leaders and orators of the houſe, and deemed the others of no conſequence. The latter thought it ſufficient to gain a majority, however compoſed. It is likely that the means, rather than the intention, were wanting to both theſe miniſters.

PENSIONS and bribes, though it be difficult entirely to exclude them, are dangerous expedients for government; and cannot be too carefully guarded againſt, nor too vehemently decried by every one who has a regard to the virtue and liberty of a nation. The influence, however, which the crown acquires from the diſpoſal of places, honours, and preferments, is to be eſteemed of a different nature. This engine of power may become too forcible, but it cannot altogether be aboliſhed, without the total deſtruction of monarchy, and even of all regular authority. But the commons at this time were ſo jealous of the crown, that they brought in a bill, which was twice read, excluding from the lower houſe all who poſſeſſed any lucrative office.

THE ſtanding army and the king's guards were by the commons voted to be illegal: A new pretenſion, it muſt be confeſſed; but neceſſary for the full ſecurity of liberty and a limited conſtitution.

Habeas corpus bill.

ARBITRARY impriſonment is a grievance which, in ſome degree, has place almoſt in every government, except in that of Great Britain; and our abſolute ſecurity from it we owe chiefly to the preſent parliament; a merit which makes ſome atonement for the faction and violence into which their prejudices had, in other particulars, betrayed them. The great charter had laid the foundation of this valuable part of liberty; the petition of right had renewed and extended it; but ſome proviſions were ſtill wanting

wanting to render it complete, and prevent all evaſion or delay from miniſters and judges. The act of *habeas corpus*, which paſſed this ſeſſion, ſerved theſe purpoſes. By this act, it was prohibited to ſend any one to a priſon beyond ſea. No judge, under ſevere penalties, muſt refuſe to any priſoner a writ of *habeas corpus*, by which the gaoler was directed to produce in court the body of the priſoner (whence the writ has its name), and to certify the cauſe of his detainer and impriſonment. If the gaol lie within twenty miles of the judge, the writ muſt be obeyed in three days; and ſo proportionably for greater diſtances: Every priſoner muſt be indicted the firſt term after his commitment, and brought to trial in the ſubſequent term. And no man, after being enlarged by order of court, can be recommitted for the ſame offence. This law ſeems neceſſary for the protection of liberty in a mixed monarchy; and as it has not place in any other form of government, this conſideration alone may induce us to prefer our preſent conſtitution to all others. It muſt, however, be confeſſed, that there is ſome difficulty to reconcile with ſuch extreme liberty the full ſecurity and the regular police of a ſtate, eſpecially the police of great cities. It may alſo be doubted, whether the low ſtate of the public revenue in this period, and of the military power, did not ſtill render ſome diſcretionary authority in the crown neceſſary to the ſupport of government.

CHAP. LXVII. 1679.

During theſe zealous efforts for the protection of liberty, no complaiſance for the crown was diſcovered by this parliament. The king's revenue lay under great debts and anticipations: Thoſe branches granted in the years 1669 and 1670 were ready to expire: And the fleet was repreſented by the king as in great decay and diſorder. But the commons, inſtead of being affected by theſe diſtreſſes of the crown, truſted chiefly to them for paſſing the excluſion-bill, and for puniſhing and diſplacing all the miniſters who were obnoxious to them. They were therefore

CHAP. LXVII.

1679.

fore in no haſte to relieve the king; and grew only the more aſſuming on account of his complaints and uneaſineſs. Jealous, however, of the army, they granted the ſame ſum of 206,000 pounds, which had been voted for diſbanding it by the laſt parliament; though the vote, by reaſon of the ſubſequent prorogation and diſſolution, joined to ſome ſcruples of the lords, had not been carried into an act. This money was appropriated by very ſtrict clauſes; but the commons inſiſted not, as formerly, upon its being paid into the chamber of London.

THE impeachment of the five popiſh lords in the Tower, with that of the earl of Danby, was carried on with vigour. The power of this miniſter, and his credit with the king, rendered him extremely obnoxious to the popular leaders; and the commons hoped, that, if he were puſhed to extremity, he would be obliged, in order to juſtify his own conduct, to lay open the whole intrigue of the French alliance, which they ſuſpected to contain a ſecret of the moſt dangerous nature. The king, on his part, apprehenſive of the ſame conſequences, and deſirous to protect his miniſter, who was become criminal merely by obeying orders, employed his whole intereſt to ſupport the validity of that pardon which had been granted him. The lords appointed a day for the examination of the queſtion, and agreed to hear counſel on both ſides: But the commons would not ſubmit their pretenſions to the diſcuſſion of argument and enquiry. They voted, that whoever ſhould preſume, without their leave, to maintain before the houſe of peers the validity of Danby's pardon, ſhould be accounted a betrayer of the liberties of the Engliſh commons. And they made a demand, that the biſhops, whom they knew to be devoted to the court, ſhould be removed, not only when the trial of the earl ſhould commence, but alſo when the validity of his pardon ſhould be diſcuſſed.

CHAP. LXVII. 1679.

THE biſhops before the reformation had always enjoyed a ſeat in parliament: But ſo far were they anciently from regarding that dignity as a privilege, that they affected rather to form a ſeparate order in the ſtate, independent of the civil magiſtrate, and accountable only to the pope and to their own order. By the conſtitutions, however, of Clarendon, enacted during the reign of Henry II. they were obliged to give their preſence in parliament; but as the canon law prohibited them from aſſiſting in capital trials, they were allowed in ſuch caſes the privilege of abſenting themſelves. A practice, which was at firſt voluntary, became afterwards a rule; and on the earl of Strafford's trial, the biſhops, who would gladly have attended, and who were no longer bound by the canon law, were yet obliged to withdraw. It had been uſual for them to enter a proteſt, aſſerting their right to ſit; and this proteſt, being conſidered as a mere form, was always admitted and diſregarded. But here was ſtarted a new queſtion of no ſmall importance. The commons, who were now enabled, by the violence of the people, and the neceſſities of the crown, to make new acquiſitions of powers and privileges, inſiſted that the biſhops had no more title to vote in the queſtion of the earl's pardon than in the impeachment itſelf. The biſhops aſſerted, that the pardon was merely a preliminary; and that, neither by the canon law nor the practice of parliament, were they ever obliged, in capital caſes, to withdraw till the very commencement of the trial itſelf. If their abſence was conſidered as a privilege, which was its real origin, it depended on their own choice, how far they would inſiſt upon it. If regarded as a diminution of their right of peerage, ſuch unfavourable cuſtoms ought never to be extended beyond the very circumſtance eſtabliſhed by them; and all arguments, from a pre-

CHAP. LXVII.

a pretended parity of reaſon, were in that caſe of little or no authority.

1679. THE houſe of lords was ſo much influenced by theſe reaſons, that they admitted the biſhops' right to vote, when the validity of the pardon ſhould be examined. The commons inſiſted ſtill on their withdrawing; and thus a quarrel being commenced between the two houſes, the king, who expected nothing but freſh inſtances of violence from this parliament, began to entertain thoughts of laying hold of ſo favourable a pretence, and of finiſhing the ſeſſion by a prorogation. While in this diſpoſition, he was alarmed with ſudden intelligence, that the houſe of commons was preparing a remonſtrance, in order to inflame the nation ſtill farther upon the favourite topics of the plot and of popery. He haſtened, therefore, to execute his intention, even without conſulting his new council, by whoſe advice he had promiſed to regulate his whole conduct. And thus were diſappointed all the projects of the malcontents, who were extremely enraged at this vigorous meaſure of the king's. Shafteſbury publicly threatened, that he would have the head of whoever had adviſed it. The parliament was ſoon after diſſolved without advice of council; and writs were iſſued for a new parliament. The king was willing to try every means which gave a proſpect of more compliance in his ſubjects; and, in caſe of failure, the blame, he hoped, would lie on thoſe whoſe obſtinacy forced him to extremities.

27th May.

Prorogation and diſſolution of the parliament, 10th July.

BUT, even during the receſs of parliament, there was no interruption to the proſecution of the catholics accuſed of the plot: The king found himſelf obliged to give way to this popular fury. Whitebread, provincial of the jeſuits, Fenwic, Gavan, Turner, and Harcourt, all of them of the ſame order, were firſt brought to their trial. Beſides Oates and Bedloe, Dugdale, a new witneſs, appeared againſt the priſoners. This man had been ſteward

Trial and execution of the five jeſuits,

to

to lord Aſton, and, though poor, poſſeſſed a character ſomewhat more reputable than the other two: But his account of the intended maſſacres and aſſaſſinations was equally monſtrous and incredible. He even aſſerted that 200,000 papiſts in England were ready to take arms. The priſoners proved, by ſixteen witneſſes from St. Omers, ſtudents, and moſt of them young men of family, that Oates was in that ſeminary at the time when he ſwore that he was in London: But as they were catholics, and diſciples of the jeſuits, their teſtimony, both with the judges and jury, was totally diſregarded. Even the reception which they met with in court was full of outrage and mockery. One of them ſaying that Oates always continued at St. Omers, if he could believe his ſenſes; "You papiſts," ſaid the chief juſtice, "are "taught not to believe your ſenſes." It muſt be confeſſed, that Oates, in oppoſition to the ſtudents of St. Omers, found means to bring evidence of his having been at that time in London: But this evidence, though it had, at that time, the appearance of ſome ſolidity, was afterwards diſcovered, when Oates himſelf was tried for perjury, to be altogether deceitful. In order farther to diſcredit that witneſs, the jeſuits proved, by undoubted teſtimony, that he had perjured himſelf in father Ireland's trial, whom they ſhewed to have been in Staffordſhire at the very time when Oates ſwore that he was committing treaſon in London. But all theſe pleas availed them nothing againſt the general prejudices. They received ſentence of death; and were executed, perſiſting to their laſt breath in the moſt ſolemn, earneſt, and deliberate, though diſregarded, proteſtations of their innocence.

CHAP. LXVII. 1679.

THE next trial was that of Langhorne, an eminent lawyer, by whom all the concerns of the jeſuits were managed. Oates and Bedloe ſwore, that all the papal commiſſions by which the chief offices in England were

and of Langhorne.

CHAP. LXVII. 1679.

filled with catholics, paſſed through his hands. When verdict was given againſt the priſoner, the ſpectators expreſſed their ſavage joy by loud acclamations. So high indeed had the popular rage mounted, that the witneſſes for this unhappy man, on approaching the court, were almoſt torn in pieces by the rabble: One in particular was bruiſed to ſuch a degree as to put his life in danger: And another, a woman, declared, that unleſs the court could afford her protection, ſhe durſt not give evidence: But as the judges could go no farther than promiſe to puniſh ſuch as ſhould do her any injury, the priſoner himſelf had the humanity to wave her teſtimony.

So far the informers had proceeded with ſucceſs: Their accuſation was hitherto equivalent to a ſentence of death. The firſt check which they received was on the trial of Sir George Wakeman, the queen's phyſician, whom they accuſed of an intention to poiſon the king. It was a ſtrong circumſtance in favour of Wakeman, that Oates, in his firſt information before the council, had accuſed him only upon hearſay; and when aſked by the chancellor, whether he had any thing farther to charge him with? he added, "God forbid I ſhould ſay any thing "againſt Sir George: For I know nothing more againſt "him." On the trial he gave poſitive evidence of the priſoner's guilt. There were many other circumſtances which favoured Wakeman: But what chiefly contributed to his acquittal, was the connexion of his cauſe with that of the queen, whom no one, even during the higheſt prejudices of the times, could ſincerely believe guilty. The great importance of the trial made men recollect themſelves, and recal that good ſenſe and humanity which ſeemed, during ſome time, to have abandoned the nation. The chief juſtice himſelf, who had hitherto favoured the witneſſes, exaggerated the plot, and railed againſt the priſoners, was obſerved to be conſiderably mollified, and

Wakeman acquitted. 18th July.

to

to give a favourable charge to the jury. Oates and Bedloe had the aſſurance to attack him to his face, and even to accuſe him of partiality before the council. The whole party, who had formerly much extolled his conduct, now made him the object of their reſentment. Wakeman's acquittal was indeed a ſenſible mortification to the furious proſecutors of the plot, and fixed an indelible ſtain upon the witneſſes. But Wakeman, after he recovered his liberty, finding himſelf expoſed to ſuch inveterate enmity, and being threatened with farther proſecutions, thought it prudent to retire beyond ſea: And his flight was interpreted as a proof of guilt, by thoſe who were ſtill reſolved to perſiſt in the belief of the conſpiracy. CHAP. LXVII. 1679.

State of affairs in Scotland.

THE great diſcontents in England, and the refractory diſpoſition of the parliament, drew the attention of the Scottiſh covenanters, and gave them a proſpect of ſome time putting an end to thoſe oppreſſions, under which they had ſo long laboured. It was ſuſpected to have been the policy of Lauderdale and his aſſociates to puſh theſe unhappy men to extremities, and force them into rebellion, with a view of reaping profit from the forfeitures and attainders, which would enſue upon it. But the covenanters, aware of this policy, had hitherto forborne all acts of hoſtility; and that tyrannical miniſter had failed of his purpoſe. An incident at laſt happened, which brought on an inſurrection in that country.

THE covenanters were much enraged againſt Sharpe, the primate, whom they conſidered as an apoſtate from their principles, and whom they experienced to be an unrelenting perſecutor of all thoſe who diſſented from the eſtabliſhed worſhip. He had an officer under him, one Carmichael, no leſs zealous than himſelf againſt conventicles, and who by his violent proſecutions had rendered himſelf extremely obnoxious to the fanatics. A company

CHAP. LXVII.

1679. 3d May.

of theſe had waylaid him on the road near St. Andrews, with an intention, if not of killing him, at leaſt of chaſtizing him ſo ſeverely as would afterwards render him more cautious in perſecuting the non-conformiſts[c]. While looking out for their prey, they were ſurprized at ſeeing the archbiſhop's coach paſs by; and they immediately interpreted this incident as a declaration of the ſecret purpoſe of providence againſt him. But when they obſerved, that almoſt all his ſervants, by ſome accident, were abſent, they no longer doubted, but heaven had here delivered their capital enemy into their hands. Without farther deliberation, they fell upon him; dragged him from his coach; tore him from the arms of his daughter, who interpoſed with cries and tears; and piercing him with redoubled wounds, left him dead on the ſpot, and immediately diſperſed themſelves.

THIS atrocious action ſerved the miniſtry as a pretence for a more violent perſecution againſt the fanatics, on whom, without diſtinction, they threw the guilt of thoſe furious aſſaſſins. It is indeed certain, that the murder of Sharpe had excited an univerſal joy among the covenanters, and that their blind zeal had often led them, in their books and ſermons, to praiſe and recommend the aſſaſſination of their enemies, whom they conſidered as the enemies of all true piety and godlineſs. The ſtories of Jael and Siſera, of Ehud and Eglon, reſounded from every pulpit. The officers, quartered in the weſt, received more ſtrict orders to find out and diſperſe all conventicles; and for that reaſon the covenanters, inſtead of meeting in ſmall bodies, were obliged to celebrate their worſhip in numerous aſſemblies, and to bring arms for their ſecurity. At Rutherglen, a ſmall borough near Glaſgow, they openly ſet forth a declaration againſt pre-

[c] Wodrow's Hiſtory of the ſufferings of the church of Scotland, vol. ii. p. 28.

lacy;

lacy; and in the market-place burned ſeveral acts of parliament and acts of council, which had eſtabliſhed that mode of eccleſiaſtical government, and had prohibited conventicles. For this inſult on the ſupreme authority, they purpoſely choſe the 29th of May, the anniverſary of the reſtoration; and previouſly extinguiſhed the bonfires, which had been kindled for that ſolemnity. CHAP. LXVII. 1679.

CAPTAIN Graham, afterwards viſcount Dundee, an active and enterprizing officer, attacked a great conventicle upon Loudon-hill, and was repulſed with the loſs of thirty men. The covenanters, finding that they were unwarily involved in ſuch deep guilt, were engaged to perſevere, and to ſeek, from their valour and fortune alone, for that indemnity, which the ſeverity of the government left them no hopes of ever being able otherwiſe to obtain. They puſhed on to Glaſgow; and though at firſt repulſed, they afterwards made themſelves maſters of that city; diſpoſſeſſed the eſtabliſhed clergy; and iſſued proclamations, in which they declared, that they fought againſt the king's ſupremacy, againſt popery and prelacy, and againſt a popiſh ſucceſſor.

How accidental ſoever this inſurrection might appear, there is reaſon to ſuſpect, that ſome great men, in combination with the popular leaders in England, had ſecretly inſtigated the covenanters to proceed to ſuch extremities [d], and hoped for the ſame effects that had forty years before enſued from the diſorders in Scotland. The king alſo, apprehenſive of like conſequences, immediately diſpatched thither Monmouth with a ſmall body of Engliſh cavalry. That nobleman joined to theſe troops the Scottiſh guards, and ſome regiments of militia, levied from the well-affected counties; and with great celerity marched in queſt of the rebels. They had taken poſt near Bothwel-caſtle, between Hamilton and Glaſgow; where there was no Battle of Bothwel-bridge.

[d] Algernon Sidney's letters, p. 90.

CHAP. LXVII.

1679.

acceſs to them but over a bridge, which a ſmall body was able to defend againſt the king's forces. They ſhewed judgment in the choice of their poſt; but diſcovered neither judgment nor valour in any other ſtep of their conduct. No nobility and few gentry had joined them: The clergy were in reality the generals; and the whole army never exceeded 8000 men. Monmouth attacked the bridge; and the body of rebels, who defended it, maintained their poſt as long as their ammunition laſted. When they ſent for more, they received orders to quit their ground, and to retire backwards. This imprudent meaſure occaſioned an immediate defeat to the covenanters. Monmouth paſſed the bridge without oppoſition, and drew up his forces oppoſite to the enemy. His cannon alone put them to rout. About 700 fell in the purſuit: For properly ſpeaking there was no action. Twelve hundred were taken priſoners; and were treated by Monmouth with a humanity which they had never experienced in their own countrymen. Such of them as would promiſe to live peaceably were diſmiſſed. About three hundred, who were ſo obſtinate as to refuſe this eaſy condition, were ſhipped for Barbadoes; but unfortunately periſhed in the voyage. Two of their clergy were hanged. Monmouth was of a generous diſpoſition; and beſides, aimed at popularity in Scotland. The king intended to intruſt the government of that kingdom in his hands. He had married a Scottiſh lady, heir of a great family, and allied to all the chief nobility. And Lauderdale, as he was now declining in his parts, and was much decayed in his memory, began to loſe with the king that influence which he had maintained during ſo many years; notwithſtanding the efforts of his numerous enemies both in Scotland and England, and notwithſtanding the many violent and tyrannical actions of which he had been guilty. Even at preſent he retained ſo much influence as

2nd June.

CHAP. LXVII. 1679.

to poiſon all the good intentions, which the king, either of himſelf or by Monmouth's ſuggeſtion, had formed with regard to Scotland. An act of indemnity was granted; but Lauderdale took care, that it ſhould be ſo worded as rather to afford protection to himſelf and his aſſociates, than to the unhappy covenanters. And though orders were given to connive thenceforwards at all conventicles, he found means, under a variety of pretences, to elude the execution of them. It muſt be owned however to his praiſe, that he was the chief perſon, who, by his counſel, occaſioned the expeditious march of the forces and the prompt orders given to Monmouth; and thereby diſappointed all the expectations of the Engliſh malcontents, who, reflecting on the diſpoſition of men's minds in both kingdoms, had entertained great hopes from the progreſs of the Scottiſh inſurrection.

CHAP. LXVIII.

State of parties—State of the miniſtry—Meal-tub plot—Whig and Tory—A new parliament—Violence of the commons—Excluſion bill—Arguments for and againſt the excluſion—Excluſion bill rejected—Trial of Stafford—His execution—Violence of the commons—Diſſolution of the parliament—New parliament at Oxford—Fitzharris's caſe—Parliament diſſolved—Victory of the royaliſts.

CHAP. LXVIII. 1679.

THE king, obſerving that the whole nation concurred at firſt in the belief and proſecution of the popiſh plot, had found it neceſſary for his own ſafety to pretend, in all public ſpeeches and tranſactions, an entire belief and acquieſcence in that famous abſurdity, and by this artifice he had eluded the violent and irreſiſtible torrent of the people. When a little time and recollection, as well as the execution of the pretended conſpirators, had ſomewhat moderated the general fury, he was now enabled to form a conſiderable party, devoted to the intereſts of the crown, and determined to oppoſe the pretenſions of the malcontents.

State of parties.

IN every mixed government, ſuch as that of England, the bulk of the nation will always incline to preſerve the entire frame of the conſtitution; but according to the various prejudices, intereſts, and diſpoſitions of men, ſome will ever attach themſelves with more paſſion to the regal, others to the popular part of the government. Though the king, after his reſtoration, had endeavoured

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CHAP. LXVIII. 1679.

to abolish the distinction of parties, and had chosen his ministers from among all denominations; no sooner had he lost his popularity, and exposed himself to general jealousy, than he found it necessary to court the old cavalier party, and to promise them full compensation for that neglect of which they had hitherto complained. The present emergence made it still more necessary for him to apply for their support; and there were many circumstances, which determined them, at this time, to fly to the assistance of the crown, and to the protection of the royal family.

A PARTY, strongly attached to monarchy, will naturally be jealous of the right of succession, by which alone, they believe, stability to be preserved in the government, and a barrier fixed against the encroachments of popular assemblies. The project, openly embraced, of excluding the duke, appeared to that party a dangerous innovation: And the design, secretly projected, of advancing Monmouth, made them apprehensive, lest the inconveniencies of a disputed succession should be propagated to all posterity. While the jealous lovers of liberty maintained, that a king, whose title depended on the parliament, would naturally be more attentive to the interests, at least to the humours of the people; the passionate admirers of monarchy considered all dependance as a degradation of kingly government, and a great step towards the establishment of a commonwealth in England.

BUT though his union with the political royalists brought great accession of force to the king, he derived no less support from the confederacy, which he had, at this time, the address to form with the church of England. He represented to the ecclesiastics the great number of presbyterians and other sectaries, who had entered into the popular party; the encouragement and favour which they met with; the loudness of their cries with

CHAP. LXVIII. 1679.

regard to popery and arbitrary power. And he made the eſtabliſhed clergy and their adherents apprehend, that the old ſcheme for the abolition of prelacy as well as monarchy was revived, and that the ſame miſeries and oppreſſions awaited them, to which, during the civil wars and uſurpations, they had ſo long been expoſed.

THE memory alſo of thoſe diſmal times united many indifferent and impartial perſons to the crown, and begat a dread leſt the zeal for liberty ſhould engraft itſelf on fanaticiſm, and ſhould once more kindle a civil war in the kingdom. Had not the king ſtill retained the prerogative of diſſolving the parliament, there was indeed reaſon to apprehend the renewal of all the pretenſions and violences which had uſhered in the laſt commotions. The one period appeared an exact counter-part to the other: But ſtill diſcerning judges could perceive, both in the ſpirit of the parties and in the genius of the prince, a material difference; by means of which Charles was enabled at laſt, though with the imminent peril of liberty, to preſerve the peace of the nation.

THE cry againſt popery was loud; but it proceeded leſs from religious than from party zeal, in thoſe who propagated, and even in thoſe who adopted it. The ſpirit of enthuſiaſm had occaſioned ſo much miſchief, and had been ſo ſucceſsfully exploded, that it was not poſſible, by any artifice, again to revive and ſupport it. Cant had been ridiculed; hypocriſy detected; the pretenſions to a more thorough reformation, and to greater purity, had become ſuſpicious; and inſtead of denominating themſelves the *godly* party, the appellation affected at the beginning of the civil wars, the preſent patriots were content with calling themſelves the *good* and the *honeſt* party[e]: A ſure prognoſtic, that their meaſures were not to be ſo furious, nor their pretenſions ſo exorbitant.

[e] Temple, vol. i. p. 335.

THE

CHAP. LXVIII. 1679.

THE king too, though not endowed with the integrity and ſtrict principles of his father, was happy in a more amiable manner, and more popular addreſs. Far from being diſtant, ſtately, or reſerved, he had not a grain of pride or vanity in his whole compoſition[f]; but was the moſt affable, beſt bred man alive. He treated his ſubjects like noblemen, like gentlemen, like freemen; not like vaſſals or boors. His profeſſions were plauſible, his whole behaviour engaging; ſo that he won upon the hearts, even while he loſt the good opinion of his ſubjects, and often balanced their judgment of things by their perſonal inclination[g]. In his public conduct likewiſe, though he had ſometimes embraced meaſures dangerous to the liberty and religion of his people, he had never been found to perſevere obſtinately in them, but had always returned into that path which their united opinion ſeemed to point out to him. And upon the whole, it appeared to many, cruel and even iniquitous, to remark too rigorouſly the failings of a prince, who diſcovered ſo much facility in correcting his errors, and ſo much lenity in pardoning the offences committed againſt himſelf.

THE general affection borne the king, appeared ſignally about this time. He fell ſick at Windſor; and had two or three fits of a fever, ſo violent as made his life be thought in danger. A general conſternation ſeized all ranks of men, encreaſed by the apprehenſions entertained of his ſucceſſor. In the preſent diſpoſition of men's minds, the king's death, to uſe an expreſſion of ſir William Temple[h], was regarded as the end of the world The malcontents, it was feared, would proceed to extremities, and immediately kindle a civil war in the kingdom. Either their entire ſucceſs, or entire

[f] Temple, vol. i. p. 449.
[g] Diſſertation on parties, letter vii.
[h] Vol. i. p. 342.

failure,

CHAP. LXVIII.

1679. State of the ministry.

failure, or even the balance and conteſt of parties, ſeemed all of them events equally fatal. The king's chief counſellors, therefore, Eſſex, Haliſax, and Sunderland, who ſtood on bad terms with Shafteſbury and the popular party, adviſed him to ſend ſecretly for the duke, that, in caſe of any ſiniſter accident, that prince might be ready to aſſert his right againſt the oppoſition which he was likely to meet with. When the duke arrived, he found his brother out of danger; and it was agreed to conceal the invitation, which he had received. His journey, however, was attended with important conſequences. He prevailed on the king to diſgrace Monmouth, whoſe projects were now known and avowed; to deprive him of his command in the army; and to ſend him beyond ſea. He himſelf returned to Bruſſels; but made a ſhort ſtay in that place. He obtained leave to retire to Scotland, under pretence ſtill of quieting the apprehenſions of the Engliſh nation; but in reality with a view of ſecuring that kingdom in his intereſts.

2d Sept.

THOUGH Eſſex and Haliſax had concurred in the reſolution of inviting over the duke, they ſoon found, that they had not obtained his confidence, and that even the king, while he made uſe of their ſervice, had no ſincere regard for their perſons. Eſſex in diſguſt reſigned the treaſury: Haliſax retired to his country-ſeat: Temple, deſpairing of any accommodation among ſuch enraged parties, withdrew almoſt entirely to his books and his gardens. The king, who changed miniſters as well as meaſures with great indifference, beſtowed at this time his chief confidence on Hyde, Sunderland, and Godolphin. Hyde ſucceeded Eſſex in the treaſury.

ALL the king's miniſters, as well as himſelf, were extremely averſe to the meeting of the new parliament, which they expected to find as refractory as any of the preceding. The elections had gone moſtly in favour of the

1679.

the country party. The terrors of the plot had ſtill a mighty influence over the populace; and the apprehenſions of the duke's bigoted principles and arbitrary character weighed with men of ſenſe and reflection. The king therefore reſolved to prorogue the parliament, that he might try, whether time would allay thoſe humours, which, by every other expedient, he had in vain attempted to mollify. In this meaſure he did not expect the concurrence of his council. He knew, that thoſe popular leaders, whom he had admitted, would zealouſly oppoſe a reſolution, which diſconcerted all their ſchemes; and that the royaliſts would not dare, by ſupporting it, to expoſe themſelves to the vengeance of the parliament, when it ſhould be aſſembled. Theſe reaſons obliged him to take this ſtep entirely of himſelf; and he only declared his reſolution in council. It is remarkable, that, though the king had made profeſſion never to embrace any meaſure without the advice of theſe counſellors, he had often broken that reſolution, and had been neceſſitated, in affairs of the greateſt conſequence, to controul their opinion. Many of them in diſguſt threw up about this time; particularly lord Ruſſel, the moſt popular man in the nation, as well from the mildneſs and integrity of his character, as from his zealous attachment to the religion and liberties of his country. Though carried into ſome exceſſes, his intentions were ever eſteemed upright; and being heir to the greateſt fortune in the kingdom, as well as void of ambition, men believed, that nothing but the laſt neceſſity could ever engage him to embrace any deſperate meaſures. Shafteſbury, who was, in moſt particulars, of an oppoſite character, was removed by the king from the office of preſident of the council; and the earl of Radnor, a man who poſſeſſed whimſical talents and ſplenetic virtues, was ſubſtituted in his place.

CHAP. LXVIII.

1679.

It was the favour and countenance of the parliament, which had chiefly encouraged the rumour of plots; but the nation had gotten ſo much into that vein of credulity, and every neceſſitous villain was ſo much incited by the ſucceſs of Oates and Bedloe, that, even during the prorogation, the people were not allowed to remain in tranquillity. There was one Dangerfield, a fellow who had been burned in the hand for crimes, tranſported, whipped, pilloried four times, fined for cheats, outlawed for felony, convicted of coining, and expoſed to all the public infamy which the laws could inflict on the baſeſt and moſt ſhameful enormities. The credulity of the people, and the humour of the times enabled even this man to become a perſon of conſequence. He was the author of a new incident, called the *meal-tub plot*, from the place where ſome papers, relating to it, were found. The bottom of this affair it is difficult, and not very material, to diſcover. It only appears, that Dangerfield, under pretence of betraying the conſpiracies of the preſbyterians, had been countenanced by ſome catholics of condition, and had even been admitted to the duke's preſence and the king's. And that, under pretence of revealing new popiſh plots, he had obtained acceſs to Shaftesbury and ſome of the popular leaders. Which ſide he intended to cheat, is uncertain; or whether he did not rather mean to cheat both: But he ſoon found, that the belief of the nation was more open to a popiſh than a preſbyterian plot; and he reſolved to ſtrike in with the prevailing humour. Though no weight could be laid on his teſtimony, great clamour was raiſed; as if the court, by way of retaliation, had intended to load the preſbyterians with the guilt of a falſe conſpiracy. It muſt be confeſſed, that the preſent period, by the prevalence and ſuſpicion of ſuch mean and ignoble arts on all ſides, throws a great ſtain on the Britiſh annals.

Meal-tub plot.

One

CHAP. LXVIII.

1679. 17th Nov.

ONE of the moſt innocent artifices, practiſed by party men at this time, was the additional ceremony, pomp, and expence, with which a pope-burning was celebrated in London: The ſpectacle ſerved to entertain, and amuſe, and inflame the populace. The duke of Monmouth likewiſe came over without leave, and made a triumphant proceſſion through many parts of the kingdom, extremely careſſed and admired by the people. All theſe arts ſeemed requiſite to ſupport the general prejudices, during the long interval of parliament. Great endeavours were alſo uſed to obtain the king's conſent for the meeting of that aſſembly. Seventeen peers preſented a petition to this purpoſe. Many of the corporations imitated the example. Notwithſtanding ſeveral marks of diſpleaſure, and even a menacing proclamation from the king, petitions came from all parts, earneſtly inſiſting on a ſeſſion of parliament. The danger of popery, and the terrors of the plot were never forgotten in any of theſe addreſſes.

1680.

TUMULTUOUS petitioning was one of the chief artifices by which the malcontents in the laſt reign had attacked the crown: And though the manner of ſubſcribing and delivering petitions was now ſomewhat regulated by act of parliament, the thing itſelf ſtill remained; and was an admirable expedient for infeſting the court, for ſpreading diſcontent, and for uniting the nation in any popular clamour. As the king found no law, by which he could puniſh thoſe importunate, and, as he deemed them, undutiful ſolicitations, he was obliged to encounter them by popular applications of a contrary tendency. Wherever the church and court party prevailed, addreſſes were framed, containing expreſſions of the higheſt regard to his majeſty, the moſt entire acquieſcence in his wiſdom, the moſt dutiful ſubmiſſion to his prerogative, and the deepeſt *abhorrence* of thoſe, who endeavoured to encroach upon it, by preſcribing to him any time

CHAP. LXVIII.

1680.

time for aſſembling the parliament. Thus the nation came to be diſtinguiſhed into *petitioners* and *abhorrers*. Factions indeed were at this time extremely animated againſt each other. The very names, by which each party denominated its antagoniſt, diſcover the virulence and rancour which prevailed. For beſides petitioner and abhorrer, appellations which were ſoon forgotten, this year is remarkable for being the epoch of the well-known epithets of WHIG and TORY, by which, and ſometimes without any material difference, this iſland has been ſo long divided. The court party reproached their antagoniſts with their affinity to the fanatical conventiclers in Scotland, who were known by the name of Whigs: The country party found a reſemblance between the courtiers and the popiſh banditti in Ireland, to whom the appellation of Tory was affixed. And after this manner, theſe fooliſh terms of reproach came into public and general uſe; and even at preſent ſeem not nearer their end than when they were firſt invented.

Whig and Tory.

THE king uſed every art to encourage his partizans, and to reconcile the people to his government. He perſevered in the great zeal which he affected againſt popery. He even allowed ſeveral prieſts to be put to death, for no other crime than their having received orders in the Romiſh church. It is ſingular, that one of them, called Evans, was playing at tennis, when the warrant for his immediate execution was notified to him: He ſwore, that he would play out his ſet firſt. Charles, with the ſame view of acquiring popularity, formed an alliance with Spain, and alſo offered an alliance to Holland: But the Dutch, terrified with the great power of France, and ſeeing little reſource in a country ſo diſtracted as England, declined acceptance. He had ſent for the duke from Scotland, but deſired him to return, when the time of aſſembling the parliament began to approach.

IT

CHAP. LXVIII.

1680.

It was of great conſequence to the popular party, while the meeting of parliament depended on the king's will, to keep the law, whoſe operations are perpetual, entirely on their ſide. The ſheriffs of London by their office return the juries: It had been uſual for the mayor to nominate one ſheriff by drinking to him; and the common hall had ever without diſpute confirmed the mayor's choice. Sir Robert Clayton, the mayor, appointed one who was not acceptable to the popular party: The common-hall rejected him; and Bethel and Corniſh, two independants, and republicans, and of conſequence deeply engaged with the malcontents, were choſen by a majority of voices. In ſpite of all remonſtrances and oppoſition, the citizens perſiſted in their choice; and the court party was obliged for the preſent to acquieſce.

Juries however were not ſo partial in the city; but that reaſon and juſtice, even when the popiſh plot was in queſtion, could ſometimes prevail. The earl of Caſtle- 23d June.
maine, huſband to the ducheſs of Cleveland, was acquitted about this time, though accuſed by Oates and Dangerfield of an intention to aſſaſſinate the king. Sir Thomas Gaſcoigne, a very aged gentleman in the north, being accuſed by two ſervants, whom he had diſmiſſed for diſhoneſty, received a like verdict. Theſe trials were great blows to the plot, which now began to ſtagger, in the judgment of moſt men, except thoſe who were entirely devoted to the country party. But in order ſtill to keep alive the zeal againſt popery, the earl of Shafteſbury appeared in Weſtminſter-hall, attended by the earl of Huntingdon, the lords Ruſſel, Cavendiſh, Grey, Brandon, Sir Henry Caverly, Sir Gilbert Gerrard, Sir William Cooper, and other perſons of diſtinction, and preſented to the grand jury of Middleſex reaſons for indicting the duke of York as a popiſh recuſant. While the jury were deliberating on this extraordinary preſent

CHAP. LXVIII.

1680.

preſentment, the chief juſtice ſent for them, and ſuddenly, even ſomewhat irregularly, diſmiſſed them. Shafteſbury however obtained the end for which he had undertaken this bold meaſure: He ſhowed to all his followers the deſperate reſolution which he had embraced, never to admit of any accommodation or compoſition with the duke. By ſuch daring conduct he gave them aſſurance, that he was fully determined not to deſert their cauſe; and he engaged them to a like devoted perſeverance in all the meaſures which he ſhould ſuggeſt to them.

As the kingdom was regularly and openly divided into two zealous parties, it was not difficult for the king to know, that the majority of the new houſe of commons was engaged in intereſts oppoſite to the court: But that he might leave no expedient untried, which could compoſe the unhappy differences among his ſubjects, he reſolved, at laſt, after a long interval, to aſſemble the parliament. In his ſpeech, he told them, that the ſeveral prorogations which he had made, had been very advantageous to his neighbours, and very uſeful to himſelf: That he had employed that interval in perfecting with the crown of Spain an alliance, which had often been deſired by former parliaments, and which, he doubted not, would be extremely agreeable to them: That, in order to give weight to this meaſure, and render it beneficial to Chriſtendom, it was neceſſary to avoid all domeſtic diſſenſions, and to unite themſelves firmly in the ſame views and purpoſes: That he was determined, that nothing on his part ſhould be wanting to ſuch a ſalutary end; and provided the ſucceſſion were preſerved in its due and legal courſe, he would concur in any expedient for the ſecurity of the proteſtant religion: That the farther examination of the popiſh plot and the puniſhment of the criminals were requiſite for the ſafety both

21ſt Octob. A new parliament.

CHAP. LXVIII. 1680.

both of king and kingdom: And after recommending to them the neceſſity of providing, by ſome ſupplies, for the ſafety of Tangiers, he proceeded in theſe words: "But that which I value above all the treaſure in the "world, and which I am ſure will give us greater "ſtrength and reputation both at home and abroad than "any treaſure can do, is a perfect union among our-"ſelves. Nothing but this can reſtore the kingdom to "that ſtrength and vigour which it ſeems to have loſt, "and raiſe us again to that conſideration which Eng-"land hath uſually poſſeſſed. All Europe have their "eyes upon this aſſembly, and think their own happi-"neſs and miſery, as well as ours, will depend upon it. "If we ſhould be ſo unhappy as to fall into miſunder-"ſtandings among ourſelves to that degree as would "render our friendſhip unſafe to truſt to, it will not be "wondered at, if our neighbours ſhould begin to take "new reſolutions, and perhaps ſuch as may be fatal to "us. Let us therefore take care, that we do not gratify "our enemies and diſcourage our friends, by any un-"ſeaſonable diſputes. If any ſuch do happen, the "world will ſee, that it is no fault of mine: For I "have done all that it was poſſible for me to do, to keep "you in peace while I live, and to leave you ſo when "I die. But from ſo great prudence and ſo good affec-"tion as yours, I can fear nothing of this kind; but do "rely upon you all, that you will do your beſt en-"deavours to bring this parliament to a good and happy "concluſion."

Violence of the commons.

ALL theſe mollifying expreſſions had no influence with the commons. Every ſtep which they took betrayed the zeal with which they were animated. They voted, that it was the undoubted right of the ſubject to petition the king for the calling and ſitting of parliament. Not content with this deciſion, which ſeems juſtifiable in a

CHAP. LXVIII. 1680.

mixed monarchy, they fell with the utmoſt violence on all thoſe *abhorrers*, who, in their addreſſes to the crown, had expreſſed their diſapprobation of thoſe petitions. They did not reflect, that it was as lawful for one party of men as for another, to expreſs their ſenſe of public affairs; and that the beſt eſtabliſhed right may, in particular circumſtances, be abuſed, and even the exerciſe of it become an object of abhorrence. For this offence, they expelled Sir Thomas Withens. They appointed a committee for farther enquiry into ſuch members as had been guilty of a like crime; and complaints were lodged againſt lord Paſton, Sir Robert Malverer, Sir Bryan Stapleton, Taylor, and Turner. They addreſſed the king againſt Sir George Jefferies, recorder of London, for his activity in the ſame cauſe; and they frightened him into a reſignation of his office, in which he was ſucceeded by Sir George Treby, a great leader of the popular party. They voted an impeachment againſt North, chief juſtice of the common pleas, for drawing the proclamation againſt tumultuous petitions: But upon examination found the proclamation ſo cautiouſly worded, that it afforded them no handle againſt him. A petition had been preſented to the king from Taunton. "How dare "you deliver me ſuch a paper?" ſaid the king to the perſon who preſented it. "Sir," replied he, "my "name is DARE." For this ſaucy reply, but under other pretences, he had been tried, fined, and committed to priſon. The commons now addreſſed the king for his liberty, and for remitting his fine. Some printers alſo and authors of ſeditious libels they took under their protection.

GREAT numbers of the abhorrers, from all parts of England, were ſeized by order of the commons, and committed to cuſtody. The liberty of the ſubject, which had been ſo carefully guarded by the great charter, and

by the late law of habeas corpus, was every day violated by their arbitrary and capricious commitments. The chief jealouſy, it is true, of the Engliſh conſtitution is naturally and juſtly directed againſt the crown; nor indeed have the commons any other means of ſecuring their privileges than by commitments, which, as they cannot beforehand be exactly determined by law, muſt always appear in ſome degree arbitrary. Senſible of theſe reaſons, the people had hitherto, without murmuring, ſeen this diſcretionary power exerciſed by the houſe: But as it was now carried to exceſs, and was abuſed to ſerve the purpoſes of faction, great complaints againſt it were heard from all quarters. At laſt, the vigour and courage of one Stowel of Exeter, an abhorrer, put an end to the practice. He refuſed to obey the ſerjeant at arms, ſtood upon his defence, and ſaid, that he knew of no law by which they pretended to commit him. The houſe, finding it equally dangerous to proceed or to recede, got off by an evaſion: They inſerted in their votes, that Stowel was indiſpoſed, and that a month's time was allowed him for the recovery of his health. CHAP. LXVIII. 1680.

But the chief violence of the houſe of commons appeared in all their tranſactions with regard to the plot, which they proſecuted with the ſame zeal and the ſame credulity as their predeceſſors. They renewed the former vote, which affirmed the reality of the horrid popiſh plot; and, in order the more to terrify the people, they even aſſerted, that, notwithſtanding the diſcovery, the plot ſtill ſubſiſted. They expelled Sir Robert Can, and Sir Robert Yeomans, who had been complained of, for ſaying, that there was no popiſh, but there was a preſbyterian plot. And they greatly lamented the death of Bedloe, whom they called a material witneſs, and on whoſe teſtimony they much depended. He had been ſeized with a fever at Briſtol; had ſent for chief juſtice

CHAP. LXVIII.

1680.

North; confirmed all his former evidence, except that with regard to the duke and the queen; and desired North to apply to the king for some money to relieve him in his necessities. A few days after, he expired; and the whole party triumphed extremely in these circumstances of his death: As if such a testimony could be deemed the affirmation of a dying man, as if his confession of perjury in some instances could assure his veracity in the rest, and as if the perseverance of one profligate could outweigh the last words of so many men, guilty of no crime but that of popery.

THE commons even endeavoured, by their countenance and protection, to remove the extreme infamy with which Dangerfield was loaded, and to restore him to the capacity of being an evidence. The whole tribe of informers they applauded and rewarded: Jennison, Turberville, Dugdale, Smith, la Faria, appeared before them; and their testimony, however frivolous or absurd, met with a favourable reception: The king was applied to in their behalf for pensions and pardons: Their narratives were printed with that sanction, which arose from the approbation of the house: Dr. Tongue was recommended for the first considerable church preferment which should become vacant. Considering men's determined resolution to believe, instead of admiring that a palpable falsehood should be maintained by witnesses, it may justly appear wonderful, that no better evidence was ever produced against the catholics.

THE principal reasons, which still supported the clamour of the popish plot, were the apprehensions entertained by the people of the duke of York, and the resolution, embraced by their leaders, of excluding him from the throne. Shaftesbury and many considerable men of the party, had rendered themselves irreconcileable with him, and could find their safety no way but in his ruin.

Exclusion-bill.

Monmouth's

Monmouth's friends hoped, that the excluſion of that prince would make way for their patron. The reſentment againſt the duke's apoſtacy, the love of liberty, the zeal for religion, the attachment to faction; all theſe motives incited the country party. And above all, what ſupported the reſolution of adhering to the excluſion, and rejecting all other expedients offered, was the hope artfully encouraged, that the king would at laſt be obliged to yield to their demand. His revenues were extremely burdened; and even if free, could ſcarcely ſuffice for the neceſſary charges of government, much leſs for that pleaſure and expence to which he was inclined. Though he had withdrawn his countenance from Monmouth, he was known ſecretly to retain a great affection for him. On no occaſion had he ever been found to perſiſt obſtinately againſt difficulties and importunity. And as his beloved miſtreſs, the dutcheſs of Portſmouth, had been engaged, either from lucrative views, or the hopes of making the ſucceſſion fall on her own children, to unite herſelf with the popular party; this incident was regarded as a favourable prognoſtic of their ſucceſs. Sunderland, ſecretary of ſtate, who had linked his intereſt with that of the dutcheſs, had concurred in the ſame meaſure.

But beſides friendſhip for his brother and a regard to the right of ſucceſſion, there were many ſtrong reaſons which had determined Charles to perſevere in oppoſing the excluſion. All the royaliſts and the devotees to the church; that party by which alone monarchy was ſupported; regarded the right of ſucceſſion as inviolable; and if abandoned by the king in ſo capital an article, it was to be feared that they would, in their turn, deſert his cauſe, and deliver him over to the pretenſions and uſurpations of the country party. The country party, or the whigs, as they were called, if they did not ſtill

CHAP. LXVIII.

1680.

retain ſome propenſity towards a republic, were at leaſt affected with a violent jealouſy of regal power; and it was equally to be dreaded, that, being enraged with paſt oppoſition, and animated by preſent ſucceſs, they would, if they prevailed in this pretenſion, be willing, as well as able, to reduce the prerogative within very narrow limits. All menaces, therefore, all promiſes were again employed againſt the king's reſolution: He never would be prevailed on to deſert his friends, and put himſelf into the hands of his enemies. And having voluntarily made ſuch important conceſſions, and tendered, over and over again, ſuch ſtrong limitations, he was well pleaſed to find them rejected by the obſtinacy of the commons; and hoped, that, after the ſpirit of oppoſition had ſpent itſelf in fruitleſs violence, the time would come, when he might ſafely appeal againſt his parliament to his people.

So much were the popular leaders determined to carry matters to extremities, that in leſs than a week after the commencement of the ſeſſion, a motion was made for bringing in an excluſion-bill, and a committee was appointed for that purpoſe. This bill differed in nothing from the former, but in two articles, which ſhowed ſtill an encreaſe of zeal in the commons: The bill was to be read to the people twice a-year in all the churches of the kingdom, and every one who ſhould ſupport the duke's title was rendered incapable of receiving a pardon but by act of parliament.

THE debates were carried on with great violence on both ſides. The bill was defended by Sir William Jones, who had now reſigned his office of attorney-general, by lord Ruſſel, by Sir Francis Winnington, Sir Harry Capel, Sir William Pulteney, by colonel
20th Nov. Titus, Treby, Hambden, Montague. It was oppoſed by Sir Leoline Jenkins, ſecretary of ſtate, Sir John Ernley, chancellor of the exchequer, by Hyde, Seymour, Temple.

Temple. The arguments, tranſmitted to us, may be reduced to the following topics.

CHAP. LXVIII.

1680. Arguments for and againſt the excluſion.

In every government, ſaid the excluſioniſts, there is ſomewhere an authority abſolute and ſupreme; nor can any determination, how unuſual ſoever, which receives the ſanction of the legiſlature, admit afterwards of diſpute or controul. The liberty of a conſtitution, ſo far from diminiſhing this abſolute power, ſeems rather to add force to it, and to give it greater influence over the people. The more members of the ſtate concur in any legiſlative deciſion, and the more free their voice; the leſs likelihood is there, that any oppoſition will be made to thoſe meaſures which receive the final ſanction of their authority. In England, the legiſlative power is lodged in king, lords, and commons, which comprehend every order of the community: And there is no pretext for exempting any circumſtance of government, not even the ſucceſſion of the crown, from ſo full and deciſive a juriſdiction. Even expreſs declarations have, in this particular, been made of parliamentary authority: Inſtances have occurred where it has been exerted: And though prudential reaſons may juſtly be alledged why ſuch innovations ſhould not be attempted but on extraordinary occaſions, the power and right are for ever veſted in the community. But if any occaſion can be deemed extraordinary, if any emergence can require unuſual expedients, it is the preſent; when the heir to the crown has renounced the religion of the ſtate, and has zealouſly embraced a faith totally hoſtile and incompatible. A prince of that communion can never put truſt in a people ſo prejudiced againſt him: The people muſt be equally diffident of ſuch a prince: Foreign and deſtructive alliances will ſeem to one the only protection of his throne: Perpetual jealouſy, oppoſition, faction, even inſurrections will be employed by the other as the ſole ſecurities for

CHAP. LXVIII.

1680.

their liberty and religion. Though theological principles, when ſet in oppoſition to paſſions, have often ſmall influence on mankind in general, ſtill leſs on princes; yet when they become ſymbols of faction, and marks of party diſtinctions, they concur with one of the ſtrongeſt paſſions in the human frame, and are then capable of carrying men to the greateſt extremities. Notwithſtanding the better judgment and milder diſpoſition of the king; how much has the influence of the duke already diſturbed the tenor of government? How often engaged the nation into meaſures totally deſtructive of their foreign intereſts and honour, of their domeſtic repoſe and tranquillity? The more the abſurdity and incredibility of the popiſh plot are inſiſted on, the ſtronger reaſon it affords for the excluſion of the duke; ſince the univerſal belief of it diſcovers the extreme antipathy of the nation to his religion, and the utter impoſſibility of ever bringing them to acquieſce peaceably under the dominion of ſuch a ſovereign. The prince, finding himſelf in ſo perilous a ſituation, muſt ſeek for ſecurity by deſperate remedies, and by totally ſubduing the privileges of a nation which had betrayed ſuch hoſtile diſpoſitions towards himſelf, and towards every thing which he deems the moſt ſacred. It is in vain to propoſe limitations and expedients. Whatever ſhare of authority is left in the duke's hands, will be employed to the deſtruction of the nation; and even the additional reſtraints, by diſcovering the public diffidence and averſion, will ſerve him as incitements to put himſelf in a condition entirely ſuperior and independent. And as the laws of England ſtill make reſiſtance treaſon, and neither do nor can admit of any poſitive exceptions; what folly to leave the kingdom in ſo perilous and abſurd a ſituation; where the greateſt virtue will be expoſed to the moſt ſevere proſcription, and where the laws can only be

CHAP. LXVIII.

1680.

be ſaved by expedients, which theſe ſame laws have declared the higheſt crime and enormity?

THE court party reaſoned in an oppoſite manner. An authority, they ſaid, wholly abſolute and uncontroulable is a mere chimera, and is no-where to be found in any human inſtitutions. All government is founded on opinion and a ſenſe of duty; and wherever the ſupreme magiſtrate, by any law or poſitive preſcription, ſhocks an opinion regarded as fundamental, and eſtabliſhed with a firmneſs equal to that of his own authority, he ſubverts the principle by which he himſelf is eſtabliſhed, and can no longer hope for obedience. In European monarchies, the right of ſucceſſion is juſtly eſteemed a fundamental; and even though the whole legiſlature be veſted in a ſingle perſon, it would never be permitted him by an edict, to diſinherit his lawful heir, and call a ſtranger or more diſtant relation to the throne. Abuſes in other parts of government are capable of redreſs, from more diſpaſſionate enquiry or better information of the ſovereign, and till then ought patiently to be endured: But violations of the right of ſucceſſion draw ſuch terrible conſequences after them as are not to be paralleled by any other grievance or inconvenience. Vainly is it pleaded, that England is a mixed monarchy; and that a law, aſſented to by king, lords, and commons, is enacted by the concurrence of every part of the ſtate: It is plain, that there remains a very powerful party, who may indeed be out-voted, but who never will deem a law, ſubverſive of hereditary right, anywiſe valid or obligatory. Limitations, ſuch as are propoſed by the king, give no ſhock to the conſtitution, which, in many particulars is already limited; and they may be ſo calculated as to ſerve every purpoſe ſought for by an excluſion. If the ancient barriers againſt regal authority have

CHAP. LXVIII. 1680.

have been able, during ſo many ages, to remain impregnable; how much more, thoſe additional ones, which, by depriving the monarch of power, tend ſo far to their own ſecurity? The ſame jealouſy too of religion, which has engaged the people to lay theſe reſtraints upon the ſucceſſor, will extremely leſſen the number of his partizans, and make it utterly impracticable for him, either by force or artifice, to break the fetters impoſed upon him. The king's age and vigorous ſtate of health promiſe him a long life: And can it be prudent to tear in pieces the whole ſtate, in order to provide againſt a contingency, which, it is very likely, may never happen? No human ſchemes can ſecure the public in all poſſible, imaginable events; and the bill of excluſion itſelf, however accurately framed, leaves room for obvious and natural ſuppoſitions, to which it pretends not to provide any remedy. Should the duke have a ſon, after the king's death, muſt that ſon, without any default of his own, forfeit his title? or muſt the princeſs of Orange deſcend from the throne, in order to give place to the lawful ſucceſſor? But were all theſe reaſonings falſe, it ſtill remains to be conſidered, that, in public deliberations, we ſeek not the expedient which is beſt in itſelf, but the beſt of ſuch as are practicable. The king willingly conſents to limitations, and has already offered ſome which are of the utmoſt importance: But he is determined to endure any extremity rather than allow the right of ſucceſſion to be invaded. Let us beware of that factious violence, which leads to demand more than will be granted; leſt we loſe the advantage of thoſe beneficial conceſſions, and leave the nation, on the king's demiſe, at the mercy of a zealous prince, irritated with the ill uſage, which, he imagines, he has already met with.

In

CHAP. LXVIII.

1680.

In the houſe of commons, the reaſoning of the excluſioniſts appeared the more convincing; and the bill paſſed by a great majority. It was in the houſe of peers that the king expected to oppoſe it with ſucceſs. The court party was there ſo prevalent, that it was carried only by a majority of two to pay ſo much regard to the bill as even to commit it. When it came to be debated, the conteſt was violent. Shafteſbury, Sunderland, and Eſſex argued for it: Halifax chiefly conducted the debate againſt it, and diſplayed an extent of capacity and a force of eloquence, which had never been ſurpaſſed in that aſſembly. He was animated, as well by the greatneſs of the occaſion, as by a rivalſhip with his uncle Shafteſbury; whom, during that day's debate, he ſeemed, in the judgment of all, to have totally eclipſed. The king was preſent during the whole debate, which was prolonged till eleven at night. The bill was thrown out by a conſiderable majority. All the biſhops, except three, voted againſt it. Beſides the influence of the court over them; the church of England, they imagined or pretended, was in greater danger from the prevalence of preſbyterianiſm than of popery, which, though favoured by the duke, and even by the king, was extremely repugnant to the genius of the nation.

15th Nov.

Excluſion bill rejected.

The commons diſcovered much ill humour upon this diſappointment. They immediately voted an addreſs for the removal of Halifax from the king's councils and preſence for ever. Though the pretended cauſe was his adviſing the late frequent prorogations of parliament, the real reaſon was apparently his vigorous oppoſition to the excluſion-bill. When the king applied for money to enable him to maintain Tangiers, which he declared his preſent revenues totally unable to defend; inſtead of complying, they voted ſuch an addreſs as was in reality a remonſtrance, and one little leſs violent than that famous

remonſtrance,

CHAP. LXVIII.

1680.

remonſtrance, which uſhered in the civil wars. All the abuſes of government, from the beginning almoſt of the reign, are there inſiſted on; the Dutch war, the alliance with France, the prorogations and diſſolutions of parliament; and as all theſe meaſures, as well as the *damnable* and *helliſh* plot, are there aſcribed to the machinations of papiſts, it was plainly inſinuated, that the king had, all along, lain under the influence of that party, and was in reality the chief conſpirator againſt the religion and liberties of his people.

THE commons, though they conducted the great buſineſs of the excluſion with extreme violence and even imprudence, had yet much reaſon for the jealouſy, which gave riſe to it: But their vehement proſecution of the popiſh plot even after ſo long an interval, diſcovers ſuch a ſpirit, either of credulity or injuſtice, as admits of no apology. The impeachment of the catholic lords in the Tower was revived; and as viſcount Stafford, from his age, infirmities, and narrow capacity, was deemed the leaſt capable of defending himſelf, it was determined to make him the firſt victim, that his condemnation might pave the way for a ſentence againſt the reſt. The chan-

30th Nov. cellor, now created earl of Nottingham, was appointed high ſteward for conducting the trial.

Trial of Stafford;

THREE witneſſes were produced againſt the priſoner; Oates, Dugdale, and Turberville. Oates ſwore, that he ſaw Fenwic, the jeſuit, deliver to Stafford a commiſſion ſigned by de Oliva, general of the jeſuits, appointing him pay-maſter to the papal army, which was to be levied for the ſubduing of England: For this ridiculous impoſture ſtill maintained its credit with the commons. Dugdale gave teſtimony, that the priſoner, at Tixal, a ſeat of lord Aſton's had endeavoured to engage him in the deſign of murdering the king; and had promiſed

promiſed him, beſides the honour of being ſainted by the church, a reward of 500 pounds for that ſervice. Turberville depoſed, that the priſoner, in his own houſe at Paris, had made him a like propoſal. To offer money for murdering a king, without laying down any ſcheme by which the aſſaſſin may inſure ſome probability or poſſibility of eſcape, is ſo incredible in itſelf, and may ſo eaſily be maintained by any proſtitute evidence, that an accuſation of that nature, not accompanied with circumſtances, ought very little to be attended to by any court of judicature. But notwithſtanding the ſmall hold, which the witneſſes afforded, the priſoner was able in many material particulars, to diſcredit their teſtimony. It was ſworn by Dugdale, that Stafford had aſſiſted in a great conſult of the catholics held at Tixal; but Stafford proved by undoubted teſtimony, that at the time aſſigned he was in Bath, and in that neighbourhood. Turberville had ſerved a noviciate among the Dominicans; but having deſerted the convent, he had enliſted as a trooper in the French army; and being diſmiſſed that ſervice, he now lived in London, abandoned by all his relations, and expoſed to great poverty. Stafford proved, by the evidence of his gentleman and his page, that Turberville had never, either at Paris or at London, been ſeen in his company; and it might juſtly appear ſtrange, that a perſon, who had ſo important a ſecret in his keeping, was ſo long entirely neglected by him.

CHAP. LXVIII. 1680.

THE clamour and outrage of the populace, during the trial, were extreme: Great abilities and eloquence were diſplayed by the managers, Sir William Jones, Sir Francis Winnington, and ſerjeant Maynard: Yet did the priſoner, under all theſe diſadvantages, make a better defence than was expected, either by his friends or his enemies: The unequal conteſt in which he was engaged, was a plentiful ſource of compaſſion to every mind, ſeaſoned

CHAP. LXVIII. 1680.

ſoned with humanity. He repreſented, that, during a courſe of forty years, from the very commencement of the civil wars, he had, through many dangers, difficulties and loſſes, ſtill maintained his loyalty: And was it credible, that now, in his old age, eaſy in his circumſtances, but diſpirited by infirmities, he would belye the whole courſe of his life, and engage againſt his royal maſter, from whom he had ever received kind treatment, in the moſt deſperate and moſt bloody of all conſpiracies? He remarked the infamy of the witneſſes; the contradictions and abſurdities of their teſtimony; the extreme indigence in which they had lived, though engaged, as they pretended, in a conſpiracy with kings, princes, and nobles; the credit and opulence to which they were at preſent raiſed. With a ſimplicity and tenderneſs more perſuaſive than the greateſt oratory, he ſtill made proteſtations of his innocence, and could not forbear, every moment, expreſſing the moſt lively ſurprize and indignation at the audacious impudence of the witneſſes.

It will appear aſtoniſhing to us, as it did to Stafford himſelf, that the peers, after a ſolemn trial of ſix days, ſhould, by a majority of twenty-four voices, give ſentence againſt him. He received however with reſignation the fatal verdict. *God's holy name be praiſed*, was the only exclamation which he uttered. When the high-ſteward told him, that the peers would intercede with the king for remitting the more cruel and ignominious parts of the ſentence, hanging and quartering, he burſt into tears: But he told the lords, that he was moved to this weakneſs, by his ſenſe of their goodneſs, not by any terror of that fate which he was doomed to ſuffer.

It is remarkable, that, after Charles, as is uſual in ſuch caſes, had remitted to Stafford the hanging and quartering, the two ſheriffs, Bethel and Corniſh, indulging their

their own republican humour, and complying with the prevalent ſpirit of their party, ever jealous of monarchy, ſtarted a doubt with regard to the king's power of exerciſing even this ſmall degree of lenity. "Since he cannot pardon the whole," ſaid they, "how can he have "power to remit any part of the ſentence?" They propoſed the doubt to both houſes: The peers pronounced it ſuperfluous; and even the commons, apprehenſive leſt a queſtion of this nature might make way for Stafford's eſcape, gave this ſingular anſwer: "This houſe is *con-* "*tent*, that the ſheriffs do execute William late viſcount "Stafford by ſevering his head from his body *only*." Nothing can be a ſtronger proof of the fury of the times, than that lord Ruſſel, notwithſtanding the virtue and humanity of his character, ſeconded in the houſe this barbarous ſcruple of the ſheriffs. CHAP. LXVIII. 1680.

In the interval between the ſentence and execution, many efforts were made to ſhake the reſolution of the infirm and aged priſoner, and to bring him to ſome confeſſion of the treaſon for which he was condemned. It was even rumoured, that he had confeſſed; and the zealous partymen, who, no doubt, had ſecretly, notwithſtanding their credulity, entertained ſome doubts with regard to the reality of the popiſh conſpiracy, expreſſed great triumph on the occaſion. But Stafford, when again called before the houſe of peers, diſcovered many ſchemes, which had been laid by himſelf and others for procuring a toleration to the catholics, at leaſt a mitigation of the penal laws enacted againſt them: And he proteſted, that this was the ſole treaſon of which he had ever been guilty.

Stafford now prepared himſelf for death with the intrepidity which became his birth and ſtation, and which was the natural reſult of the innocence and integrity which, during the courſe of a long life, he had ever maintained: His mind ſeemed even to collect new force from

CHAP. LXVIII.

1680. 29th Dec. and execution.

from the violence and oppreſſion under which he laboured. When going to execution, he called for a cloak to defend him againſt the rigour of the ſeaſon: "Perhaps," ſaid he, "I may ſhake with cold; but I truſt in God, not "for fear." On the ſcaffold, he continued, with reiterated and earneſt aſſeverations, to make proteſtations of his innocence: All his fervour was exerciſed on that point: When he mentioned the witneſſes, whoſe perjuries had bereaved him of life, his expreſſions were full of mildneſs and of charity. He ſolemnly diſavowed all thoſe immoral principles, which over-zealous proteſtants had aſcribed without diſtinction to the church of Rome: And he hoped, he ſaid, that the time was now approaching, when the preſent deluſion would be diſſipated; and when the force of truth, though late, would engage the whole world to make reparation to his injured honour.

THE populace, who had exulted at Stafford's trial and condemnation, were now melted into tears, at the ſight of that tender fortitude which ſhone forth in each feature, and motion, and accent of this aged noble. Their profound ſilence was only interrupted by ſighs and groans: With difficulty they found ſpeech to aſſent to thoſe proteſtations of innocence, which he frequently repeated: "We believe you, my lord! God bleſs you, my lord!" Theſe expreſſions with a faultering accent flowed from them. The executioner himſelf was touched with ſympathy. Twice he lifted up the ax, with an intent to ſtrike the fatal blow; and as often felt his reſolution to fail him. A deep ſigh was heard to accompany his laſt effort, which laid Stafford for ever at reſt. All the ſpectators ſeemed to feel the blow. And when the head was held up to them with the uſual cry, *This is the head of a traitor*, no clamour of aſſent was uttered. Pity, remorſe, and aſtoniſhment had taken poſſeſſion of every heart, and diſplayed itſelf in every countenance.

CHAP. LXVIII. 1680.

THIS is the laſt blood which was ſhed on account of the popiſh plot: An incident, which, for the credit of the nation, it were better to bury in eternal oblivion; but which it is neceſſary to perpetuate, as well to maintain the truth of hiſtory, as to warn, if poſſible, their poſterity and all mankind never again to fall into ſo ſhameful, ſo barbarous a deluſion.

THE execution of Stafford gratified the prejudices of the country party; but it contributed nothing to their power and ſecurity: On the contrary, by exciting commiſeration, it tended ſtill farther to encreaſe that diſbelief of the whole plot, which began now to prevail. The commons, therefore, not to loſe the preſent opportunity, reſolved to make both friends and enemies ſenſible of their power. They paſſed a bill for eaſing the proteſtant diſſenters, and for repealing the perſecuting ſtatute of the thirty-fifth of Elizabeth: This laudable bill was likewiſe carried through the houſe of peers. The chief juſtice was very obnoxious for diſmiſſing the grand jury in an irregular manner, and thereby diſappointing that bold meaſure of Shafteſbury and his friends, who had preſented the duke as a recuſant. For this crime the commons ſent up an impeachment againſt him; as alſo againſt Jones and Weſton, two of the judges, who, in ſome ſpeeches from the bench, had gone ſo far as to give to many of the firſt reformers the appellation of fanatics.

THE king, in rejecting the excluſion-bill, had ſheltered himſelf ſecurely behind the authority of the houſe of peers; and the commons had been deprived of the uſual pretence, to attack the ſovereign himſelf, under colour of attacking his miniſters and counſellors. In proſecution however of the ſcheme, which he had formed, of throwing the blame on the commons in caſe of any rupture, he made them a new ſpeech. After warning them, that a neglect of this opportunity would never be

CHAP. LXVIII. 1680.

retrieved, he added theſe words: "I did promiſe you the "fulleſt ſatisfaction, which your hearts could wiſh, for "the ſecurity of the proteſtant religion, and to concur "with you in any remedies, which might conſiſt with "preſerving the ſucceſſion of the crown in its due and "legal courſe of deſcent. I do again, with the ſame re-"ſervations, renew the ſame promiſes to you: And "being thus ready on my part to do all that can rea-"ſonably be expected from me, I ſhould be glad to know "from you, as ſoon as may be, how far I ſhall be aſ-"ſiſted by you, and what it is you deſire from me."

THE moſt reaſonable objection againſt the limitations propoſed by the king, is, that they introduced too conſiderable an innovation in the government, and almoſt totally annihilated the power of the future monarch. But conſidering the preſent diſpoſition of the commons and their leaders, we may fairly preſume, that this objection would have ſmall weight with them, and that their diſguſt againſt the court would rather incline them to diminiſh than ſupport regal authority. They ſtill hoped, from the king's urgent neceſſities and his uſual facility, that he would throw himſelf wholly into their hands; and that thus, without waiting for the acceſſion of the duke, they might immediately render themſelves abſolute maſters of the government. The commons, therefore, beſides inſiſting ſtill on the excluſion, proceeded to bring in bills of an important, and ſome of them of an alarming nature: One to renew the triennial act, which had been ſo inadvertently repealed in the beginning of the reign: A ſecond to make the office of judge during good behaviour: A third to declare the levying of money without conſent of parliament to be high treaſon: A fourth to order an aſſociation for the ſafety of his majeſty's perſon, for defence of the proteſtant religion, for the preſervation of the proteſtant ſubjects againſt all invaſions and oppoſition

Violence of the commons.

oppoſition whatſoever, and for preventing the duke of York or any papiſt from ſucceeding to the crown. The memory of the covenant was too recent for men to overlook the conſequences of ſuch an aſſociation: And the king, who was particularly converſant in Davila, could not fail of recollecting a memorable foreign inſtance, to fortify this domeſtic experience. CHAP. LXVIII. 1680.

THE commons alſo paſſed many votes, which, though they had not the authority of laws, ſerved however to diſcover the temper and diſpoſition of the houſe. They voted, that whoever had adviſed his majeſty to refuſe the excluſion-bill, were promoters of popery and enemies to the king and kingdom. In another vote, they named the marqueſs of Worceſter, the earls of Clarendon, Feverſham, and Halifax, Laurence Hyde, and Edward Seymour, as thoſe dangerous enemies; and they requeſted his majeſty to remove them from his perſon and councils for ever: They voted, that, till the excluſion-bill were paſſed, they could not, conſiſtent with the truſt repoſed in them, grant the king any manner of ſupply. And leſt he ſhould be enabled, by any other expedient, to ſupport the government, and preſerve himſelf independent, they paſſed another vote, in which they declared, that whoever ſhould hereafter lend, by way of advance, any money upon thoſe branches of the king's revenue, ariſing from cuſtoms, exciſe, or hearth-money, ſhould be judged a hinderer of the ſitting of parliament, and be reſponſible for the ſame in parliament.

THE king might preſume, that the peers, who had rejected the excluſion-bill, would ſtill continue to defend the throne, and that none of the dangerous bills, introduced into the other houſe, would ever be preſented for the royal aſſent and approbation. But as there remained no hopes of bringing the commons to any better temper, and as their farther ſitting ſerved only to keep faction

CHAP. LXVIII.

1681. 10th Jan. Diſſolution of the parliament.

alive, and to perpetuate the general ferment of the nation, he came ſecretly to a reſolution of proroguing them. They got intelligence about a quarter of an hour before the black rod came to their door. Not to loſe ſuch precious time, they paſſed in a tumultuous manner ſome extraordinary reſolutions. They voted, *that* whoſoever adviſed his majeſty to prorogue this parliament to any other purpoſe than in order to paſs the bill of excluſion, was a betrayer of the king, of the proteſtant religion, and of the kingdom of England; a promoter of the French intereſt, and a penſioner of France: *That* thanks be given to the city of London for their manifeſt loyalty, and for their care and vigilance in the preſervation of the king and of the proteſtant religion: *That* it is the opinion of this houſe, that that city was burned in the year 1666 by the papiſts, deſigning thereby to introduce arbitrary power and popery into the kingdom: *That* humble application be made to his majeſty for reſtoring the duke of Monmouth to all his offices and commands, from which, it appears to the houſe, he had been removed by the influence of the duke of York. And *that* it is the opinion of the houſe that the proſecution of the proteſtant diſſenters upon the penal laws is at this time grievous to the ſubject, a weakening of the proteſtant intereſt, an encouragement of popery, and dangerous to the peace of the kingdom.

THE king paſſed ſome laws of no great importance: But the bill for repealing the thirty-fifth of Elizabeth, he privately ordered the clerk of the crown not to preſent to him. By this artifice, which was equally diſobliging to the country party as if the bill had been rejected, and at the ſame time implied ſome timidity in the king, that ſalutary act was for the preſent eluded. The king had often of himſelf attempted, and ſometimes by irregular means, to give indulgence to non-conformiſts: But beſides that he had uſually expected to comprehend the catholics in

in this liberty, the preſent refractory diſpoſition of the ſectaries had much incenſed him againſt them; and he was reſolved, if poſſible, to keep them ſtill at mercy. CHAP. LXVIII. 1681.

THE laſt votes of the commons ſeemed to be an attempt of forming indirectly an aſſociation againſt the crown, after they found that their aſſociation bill could not paſs: The diſſenting intereſt, the city, and the duke of Monmouth, they endeavoured to connect with the country party. A civil war indeed never appeared ſo likely as at preſent; and it was high time for the king to diſſolve a parliament, which ſeemed to have entertained ſuch dangerous projects. Soon after, he ſummoned another. Though he obſerved, that the country party had eſtabliſhed their intereſt ſo ſtrongly in all the electing burroughs, that he could not hope for any diſpoſition more favourable in the new parliament, this expedient was ſtill a proſecution of his former project, of trying every method by which he might form an accommodation with the commons: And if all failed, he hoped, that he could the better juſtify to his people, at leaſt to his party, a final breach with them.

IT had always been much regretted by the royaliſts, during the civil wars, that the long parliament had been aſſembled at Weſtminſter, and had thereby received force and encouragement from the vicinity of a potent and factious city, which had zealouſly embraced their party. Though the king was now poſſeſſed of guards, which in ſome meaſure overawed the populace, he was determined ſtill farther to obviate all inconveniencies; and he ſummoned the new parliament to meet at Oxford. The city of London ſhowed how juſt a judgment he had formed of their diſpoſitions. Beſides re-electing the ſame members, they voted thanks to them for their former behaviour, in endeavouring to diſcover the depth of the *horrid* and *helliſh* popiſh plot, and to exclude the duke of

CHAP. LXVIII.

1681.

York, the principal cauſe of the ruin and miſery, impending over the nation. Monmouth with fifteen peers preſented a petition againſt aſſembling the parliament at Oxford, "where the two houſes," they ſaid, "could "not be in ſafety; but would be eaſily expoſed to the "ſwords of the papiſts and their adherents, of whom too "many had creeped into his majeſty's guards." Theſe inſinuations, which pointed ſo evidently at the king himſelf, were not calculated to perſuade him, but to inflame the people.

THE excluſioniſts might have concluded, both from the king's diſſolution of the laſt parliament, and from his ſummoning of the preſent to meet at Oxford, that he was determined to maintain his declared reſolution of rejecting their favourite bill: But they ſtill flattered themſelves, that his urgent neceſſities would influence his eaſy temper, and finally gain them the aſcendant. The leaders came to parliament, attended not only by their ſervants, but by numerous bands of their partizans. The four city members in particular were followed by great multitudes, wearing ribbons, in which were woven theſe words, *No popery! no ſlavery!* The king had his guards regularly muſtered: His party likewiſe endeavoured to make a ſhow of their ſtrength: And on the whole, the aſſembly at Oxford rather bore the appearance of a tumultuous Poliſh diet, than of a regular Engliſh parliament.

21 March.

New parliament at Oxford.

THE king, who had hitherto employed the moſt gracious expreſſions to all his parliaments, particularly the two laſt, thought proper to addreſs himſelf to the preſent in a more authoritative manner. He complained of the unwarrantable proceedings of the former houſe of commons; and ſaid, that, as he would never uſe arbitrary government himſelf, neither would he ever ſuffer it in others. By calling, however, this parliament ſo ſoon, he had ſufficiently ſhown, that no paſt irregularities could inſpire

inſpire him with a prejudice againſt thoſe aſſemblies. He now afforded them, he added, yet another opportunity of providing for the public ſafety; and to all the world had given one evidence more, that on his part he had not neglected the duty incumbent on him. CHAP. LXVIII. 1681.

THE commons were not over-awed by the magiſterial air of the king's ſpeech. They conſiſted almoſt entirely of the ſame members; they choſe the ſame ſpeaker; and they inſtantly fell into the ſame meaſures, the impeachment of Danby, the repeal of the perſecuting ſtatute of Elizabeth, the enquiry into the popiſh plot, and the bill of excluſion. So violent were they on this laſt article, that no other expedient, however plauſible, could ſo much as be hearkened to. Ernley, one of the king's miniſters, propoſed, that the duke ſhould be baniſhed, during life, five hundred miles from England, and that on the king's demiſe the next heir ſhould be conſtituted regent with regal power: Yet even this expedient, which left the duke only the bare title of king, could not, though ſeconded by Sir Thomas Lyttleton and Sir Thomas Mompeſſon, obtain the attention of the houſe. The paſt diſappointments of the country party, and the oppoſition made by the court, had only rendered them more united, more haughty, and more determined. No method but their own, of excluding the duke, could give them any ſatisfaction.

THERE was one Fitz-harris, an Iriſh catholic, who had inſinuated himſelf into the dutcheſs of Portſmouth's acquaintance, and had been very buſy in conveying to her, intelligence of any libel written by the country party, or of any deſigns entertained againſt her or againſt the court. For ſervices of this kind, and perhaps too, from a regard to his father, Sir Edward Fitz-harris, who had been an eminent royaliſt, he had received from the king a preſent of 250 pounds. This man met with one Everard, Fitz-harris's caſe.

CHAP. LXVIII.

1681.

rard, a Scotchman, a ſpy of the excluſioniſts, and an informer concerning the popiſh plot; and he engaged him to write a libel againſt the king, the duke, and the whole adminiſtration. What Fitz-harris's intentions were, cannot well be aſcertained: It is probable, as he afterwards aſſerted, that he meant to carry this libel to his patron, the dutcheſs, and to make a merit of the diſcovery. Everard, who ſuſpected ſome other deſign, and who was well pleaſed on his ſide to have the merit of a diſcovery with his patrons, reſolved to betray his friend: He poſted Sir William Waller, a noted juſtice of peace, and two perſons more behind the hangings, and gave them an opportunity of ſeeing and hearing the whole tranſaction. The libel, ſketched out by Fitz-harris, and executed partly by him, partly by Everard, was the moſt furious, indecent, and outrageous performance imaginable; and ſuch as was fitter to hurt than ſerve any party, which ſhould be ſo imprudent as to adopt it. Waller carried the intelligence to the king, and obtained a warrant for committing Fitz-harris, who happened, at that very time, to have a copy of the libel in his pocket. Finding himſelf now delivered over to the law, he reſolved to pay court to the popular party, who were alone able to protect him, and by whom he obſerved almoſt all trials to be governed and directed. He affirmed, that he had been employed by the court to write the libel, in order to throw the odium of it on the excluſioniſts: But this account, which was within the bounds of credibility, he diſgraced by circumſtances which are altogether abſurd and improbable. The intention of the miniſters, he ſaid, was to ſend about copies to all the heads of the country party; and the moment they received them, they were to be arreſted, and a conſpiracy to be imputed to them. That he might merit favour by ſtill more important intelligence, he commenced a diſcoverer of the great popiſh plot; and he failed not to confirm all

all the tremendous circumſtances, inſiſted on by his predeceſſors. He ſaid, that the ſecond Dutch war was entered into with a view of extirpating the proteſtant religion, both abroad and at home; that father Parry, a jeſuit, on the diſappointment by the peace, told him, that the catholics reſolved to murder the king, and had even engaged the queen in that deſign; that the envoy of Modena offered him 10,000 pounds to kill the king, and upon his refuſal the envoy ſaid, that the dutcheſs of Mazarine, who was as expert at poiſoning as her ſiſter, the counteſs of Soiſſons, would, with a little phial, execute that deſign; that upon the king's death the army in Flanders was to come over, and maſſacre the proteſtants; that money was raiſed in Italy for recruits and ſupplies, and there ſhould be no more parliaments; and that the duke was privy to this whole plan, and had even entered into the deſign of Godfrey's murder, which was executed in the manner related by Prance.

THE popular leaders had, all along, been very deſirous of having an accuſation againſt the duke; and though Oates and Bedloe, in their firſt evidence, had not dared to go ſo far, both Dugdale and Dangerfield had afterwards been encouraged to ſupply ſo material a defect, by comprehending him in the conſpiracy. The commons, therefore, finding that Fitz-harris was alſo willing to ſerve this purpoſe, were not aſhamed to adopt his evidence, and reſolved for that end to ſave him from the deſtruction with which he was at preſent threatened. The king had removed him from the city-priſon, where he was expoſed to be tampered with by the Excluſioniſts; had ſent him to the Tower; and had ordered him to be proſecuted by an indictment at common law. In order to prevent his trial and execution, an impeachment was voted by the commons againſt him, and ſent up to the lords. That they might ſhew the greater contempt of the

CHAP. LXVIII.

1681.

the court, they ordered, by way of deriſion, that the impeachment ſhould be carried up by ſecretary Jenkins; who was ſo provoked by the intended affront, that he at firſt refuſed obedience; though afterwards, being threatened with commitment, he was induced to comply. The lords voted to remit the affair to the ordinary courts of juſtice, before whom, as the attorney-general informed them, it was already determined to try Fitz-harris. The commons maintained, that the peers were obliged to receive every impeachment from the commons; and this indeed ſeems to have been the firſt inſtance of their refuſal: They therefore voted, that the lords, in rejecting their impeachment, had denied juſtice, and had violated the conſtitution of parliament. They alſo declared, that whatever inferior court ſhould proceed againſt Fitz-harris, or any one that lay under impeachment, would be guilty of a high breach of privilege. Great heats were likely to enſue; and as the king ſaw no appearance of any better temper in the commons, he gladly laid hold of the opportunity, afforded by a quarrel between the two houſes; and he proceeded to a diſſolution of the parliament. The ſecret was ſo well kept, that the commons had no intimation of it, till the black rod came to their door, and ſummoned them to attend the king at the houſe of peers.

Parliament diſſolved.

THIS vigorous meaſure, though it might have been foreſeen, excited ſuch aſtoniſhment in the country party, as deprived them of all ſpirit, and reduced them to abſolute deſpair. They were ſenſible, though too late, that the king had finally taken his reſolution, and was determined to endure any extremity rather than ſubmit to thoſe terms which they had reſolved to impoſe upon him. They found, that he had patiently waited till affairs ſhould come to full maturity; and having now engaged a national party on his ſide, had boldly ſet his enemies at defiance,

defiance. No parliament, they knew, would be ſummoned for ſome years; and during that long interval, the court, though perhaps at the head of an inferior party, yet being poſſeſſed of all authority, would have every advantage over a body, diſperſed and diſunited. Theſe reflections crowded upon every one; and all the Excluſioniſts were terrified, leſt Charles ſhould follow the blow by ſome action more violent, and immediately take vengeance on them for their long and obſtinate oppoſition to his meaſures. The king on his part was no leſs apprehenſive, leſt deſpair might prompt them to have recourſe to force, and make ſome ſudden attempt upon his perſon. Both parties therefore hurried from Oxford; and in an inſtant, that city, ſo crowded and buſy, was left in its uſual emptineſs and tranquillity. CHAP. LXVIII. 1681.

THE court party gathered force from the diſperſion and aſtoniſhment of their antagoniſts, and adhered more firmly to the king, whoſe reſolutions, they now ſaw, could be entirely depended on. The violences of the Excluſioniſts were every where exclaimed againſt and aggravated; and even the reality of the plot, that great engine of their authority, was openly called in queſtion. The clergy eſpecially were buſy in this great revolution; and being moved, partly by their own fears, partly by the inſinuations of the court, they repreſented all their antagoniſts as ſectaries and republicans, and rejoiced in eſcaping thoſe perils, which they believed to have been hanging over them. Principles the moſt oppoſite to civil liberty, were every where inforced from the pulpit, and adopted in numerous addreſſes; where the king was flattered in his preſent meaſures, and congratulated on his eſcape from parliaments. Could words have been depended on, the nation appeared to be running faſt into voluntary ſervitude, and ſeemed even ambitious of reſigning into the king's hands all the privileges, tranſmitted Victory of the royaliſts.

to

CHAP. LXVIII.

to them, through ſo many ages, by their gallant anceſtors.

1681.

But Charles had ſagacity enough to diſtinguiſh between men's real internal ſentiments, and the language which zeal and oppoſition to a contrary faction may ſometimes extort from them. Notwithſtanding all theſe profeſſions of duty and obedience, he was reſolved not to truſt, for a long time, the people with a new election, but to depend entirely on his own œconomy for alleviating thoſe neceſſities under which he laboured. Great retrenchments were made in the houſhold: Even his favourite navy was neglected: Tangiers, though it had coſt great ſums of money, was a few years after abandoned and demoliſhed. The mole was entirely deſtroyed; and the garriſon, being brought over to England, ſerved to augment that ſmall army, which the king relied on, as one ſolid baſis of his authority. It had been happy for the nation, had Charles uſed his victory with juſtice and moderation equal to the prudence and dexterity with which he obtained it.

The firſt ſtep, taken by the court, was the trial of Fitz-harris. Doubts were raiſed by the jury with regard to their power of trying him, after the concluding vote of the commons: But the judges took upon them to decide the queſtion in the affirmative; and the jury were obliged to proceed. The writing of the libel was clearly proved upon Fitz-harris: The only queſtion was with regard to his intentions. He aſſerted, that he was a ſpy of the court, and had accordingly carried the libel to the dutcheſs of Portſmouth; and he was deſirous, that the jury ſhould, in this tranſaction, conſider him as a cheat, not as a traitor. He failed however ſomewhat in the proof; and was brought in guilty of treaſon by the jury.

Finding

CHAP. LXVIII.

1681.

FINDING himſelf entirely in the hands of the king, he now retracted all his former impoſtures with regard to the popiſh plot, and even endeavoured to atone for them by new impoſtures againſt the country party. He affirmed, that theſe fictions had been extorted from him by the ſuggeſtions and artifices of Treby the recorder, and of Bethel and Corniſh, the two ſheriffs: This account he perſiſted in even at his execution; and though men knew, that nothing could be depended on, which came from one ſo corrupt, and ſo loſt to all ſenſe of honour; yet were they inclined, from his perſeverance, to rely ſomewhat more on his veracity in theſe laſt aſſeverations. But it appears, that his wife had ſome connexions with Mrs. Wall, the favourite maid of the dutcheſs of Portſmouth; and Fitz-harris hoped, if he perſiſted in a ſtory agreeable to the court, that ſome favour might, on that account, be ſhown to his family.

IT is amuſing to reflect on the ſeveral lights, in which this ſtory has been repreſented by the oppoſite factions. The country party affirmed, that Fitz-harris had been employed by the court, in order to throw the odium of the libel on the Excluſioniſts, and thereby give riſe to a proteſtant plot: The court party maintained, that the Excluſioniſts had found out Fitz-harris, a ſpy of the miniſters, and had ſet him upon this undertaking, from an intention of loading the court with the imputation of ſuch a deſign upon the Excluſioniſts. Rather than acquit their antagoniſts, both ſides were willing to adopt an account the moſt intricate and incredible. It was a ſtrange ſituation, in which the people, at this time, were placed; to be every day tortured with theſe perplexed ſtories, and inflamed with ſuch dark ſuſpicions againſt their fellow-citizens. This was no leſs than the fifteenth falſe plot, or ſham plot, as they were then called,

CHAP. LXVIII.

called, with which the court, it was imagined, had endeavoured to load their adverſaries[1].

1681.

THE country party had intended to make uſe of Fitzharris's evidence againſt the duke and the catholics; and his execution was therefore a great mortification to them. But the king and his miniſters were reſolved not to be contented with ſo ſlender an advantage. They were determined to purſue the victory, and to employ againſt the Excluſioniſts thoſe very offenſive arms, however unfair, which that party had laid up in ſtore againſt their antagoniſts. The whole gang of ſpies, witneſſes, informers, ſuborners, who had ſo long been ſupported and encouraged by the leading patriots, finding now that the king was entirely maſter, turned ſhort upon their old patrons, and offered their ſervice to the miniſters. To the diſgrace of the court and of the age, they were received with hearty welcome; and their teſtimony or rather perjury made uſe of, in order to commit legal murder upon the oppoſite party. With an air of triumph and deriſion it was aſked, "Are not theſe men good witneſſes, who "have eſtabliſhed the popiſh plot, upon whoſe teſtimony "Stafford and ſo many catholics have been executed, and "whom you yourſelves have ſo long celebrated as men "of credit and veracity? You have admitted them into "your boſom: They are beſt acquainted with your treaſons: They are determined in another ſhape to ſerve "their king and country: And you cannot complain, "that the ſame meaſure, which you meted to others, "ſhould now, by a righteous doom or vengeance, be "meaſured out to you."

IT is certain, that the principle of retaliation may ſerve in ſome caſes as a full apology, in others as an alleviation, for a conduct which would otherwiſe be ex-

[1] College's trial.

poſed

CHAP. LXVIII. 1681.

poſed to great blame. But theſe infamous arts, which poiſon juſtice in its very ſource, and break all the bands of human ſociety, are ſo deteſtable and dangerous, that no pretence of retaliation can be pleaded as an apology or even an alleviation of the crime incurred by them. On the contrary, the greater indignation the king and his miniſters felt, when formerly expoſed to the perjuries of abandoned men, the more reluctance ſhould they now have diſcovered againſt employing the ſame inſtruments of vengeance upon their antagoniſts.

THE firſt perſon, on whom the miniſters fell, was one College, a London joiner, who had become extremely noted for his zeal againſt popery, and was much connected with Shafteſbury and the leaders of the country party: For as they relied much upon the populace, men of College's rank and ſtation were uſeful to them. College had been in Oxford armed with ſword and piſtol during the ſitting of the parliament; and this was made the foundation of his crime. It was pretended that a conſpiracy had been entered into to ſeize the king's perſon, and detain him in confinement, till he ſhould make the conceſſions demanded of him. The ſheriffs of London were in ſtrong oppoſition to the court; and it was not ſtrange, that the grand jury named by them rejected the bill againſt College. The priſoner was therefore ſent to Oxford, where the treaſon was ſaid to have been committed. Lord Norris, a courtier, was ſheriff of the county; and the inhabitants were in general devoted to the court party. A jury was named, conſiſting entirely of royaliſts; and though they were men of credit and character, yet ſuch was the factious rage which prevailed, that little juſtice could be expected by the priſoner. Some papers, containing hints and directions for his defence, were taken from him, as he was conducted to his trial: An iniquity, which ſome pretended to juſtify by

CHAP. LXVIII. 1681.

by alleging, that a like violence had been practiſed againſt a priſoner during the fury of the popiſh plot. Such wild notions of retaliation were at that time propagated by the court party.

THE witneſſes produced againſt College were Dugdale, Turberville, Haynes, Smith; men who had before given evidence againſt the catholics; and whom the jury, for that very reaſon, regarded as the moſt perjured villains. College, though beſet with ſo many toils, and oppreſſed with ſo many iniquities, defended himſelf with ſpirit, courage, capacity, preſence of mind; and he invalidated the evidence of the crown, by convincing arguments and undoubted teſtimony: Yet did the jury, after half an hour's deliberation, bring in a verdict againſt him. The inhuman ſpectators received the verdict with a ſhout of applauſe: But the priſoner was no wiſe diſmayed. At his execution, he maintained the ſame manly fortitude, and ſtill denied the crime imputed to him. His whole conduct and demeanour prove him to have been a man led aſtray only by the fury of the times, and to have been governed by an honeſt, but indiſcreet zeal for his country and his religion.

THUS the two parties, actuated by mutual rage, but cooped up within the narrow limits of the law, levelled with poiſoned daggers the moſt deadly blows againſt each other's breaſt, and buried in their factious diviſions all regard to truth, honour, and humanity.

CHAP. LXIX.

State of affairs in Ireland——Shafteſbury acquitted——Argyle's trial——State of affairs in Scotland——State of the miniſtry in England——New nomination of Sheriffs——Quo warrantos——Great power of the crown——A conſpiracy——Shafteſbury retires and dies——Rye-houſe plot——Conſpiracy diſcovered——Execution of the conſpirators——Trial of lord Ruſſel——His execution——Trial of Algernon Sidney——His execution——State of the nation——State of foreign affairs——King's ſickneſs and death——and character.

CHAP. LXIX.

1681. State of affairs in Ireland.

WHEN the Cabal entered into the myſterious alliance with France, they took care to remove the duke of Ormond from the committee of foreign affairs; and nothing tended farther to increaſe the national jealouſy, entertained againſt the new meaſures, than to ſee a man of ſo much loyalty, as well as probity and honour, excluded from public councils. They had even ſo great intereſt with the king as to get Ormond recalled from the government of Ireland; and lord Robarts, afterwards earl of Radnor, ſucceeded him in that important employment. Lord Berkeley ſucceeded Robarts; and the earl of Eſſex, Berkeley. At laſt, in the year 1677, Charles caſt his eye again upon Ormond, whom he had ſo long neglected; and ſent him over lieutenant to Ireland. "I have done every thing," ſaid the king, "to diſoblige "that man; but it is not in my power to make him my "enemy." Ormond, during his diſgrace, had never joined the malcontents, nor encouraged thoſe clamours, which, with too much reaſon, but often for bad purpoſes, were raiſed againſt the king's meaſures. He even thought it his duty, regularly, though with dignity, to pay his court at Whitehall; and to prove that his attachments

CHAP. LXIX.

1681.

were founded on gratitude, inclination, and principle, not on any temporary advantages. All the expreſſions, which dropped from him, while neglected by the court, ſhowed more of good humour, than any prevalence of ſpleen and indignation. "I can do you no ſervice," ſaid he to his friends, "I have only the power left by my "applications to do you ſome hurt." When colonel Cary Dillon ſolicited him to ſecond his pretenſions for an office, and urged that he had no friends but God and his grace: "Alas! poor Cary," replied the duke, "I pity "thee: Thou couldeſt not have two friends that poſſeſs "leſs intereſt at court." "I am thrown bye," ſaid he, on another occaſion, "like an old ruſty clock; yet even "that neglected machine, twice in twenty-four hours, "points right."

On ſuch occaſions, when Ormond, from decency, paid his attendance at court, the king, equally aſhamed to ſhow him civility and to neglect him, was abaſhed and confounded. "Sir," ſaid the profligate Buckingham, "I "wiſh to know whether it be the duke of Ormond, that "is out of favour with your majeſty, or your majeſty "with the duke of Ormond; for, of the two, you ſeem "the moſt out of countenance."

When Charles found it his intereſt to ſhow favour to the old royaliſts, and to the church of England, Ormond, who was much revered by that whole party, could not fail of recovering, together with the government of Ireland, his former credit and authority. His adminiſtration, when lord lieutenant, correſponded to the general tenor of his life; and tended equally to promote the intereſts of prince and people, of proteſtant and catholic. Ever firmly attached to the eſtabliſhed religion, he was able, even during thoſe jealous times, to eſcape ſuſpicion, though he gratified not vulgar prejudices by any perſecution of the popiſh party. He encreaſed the revenue of Ireland to three hundred thouſand pounds a year: He maintained a re-

gular army of ten thouſand men: He ſupported a well-diſciplined militia of twenty thouſand: And though the act of ſettlement had ſo far been infringed, that catholics were permitted to live in corporate towns, they were guarded with ſo careful an eye, that the moſt timorous proteſtant never apprehended any danger from them. CHAP. LXIX. 1681.

THE chief object of Eſſex's ambition was to return to the ſtation of lord lieutenant, where he had behaved with honour and integrity: Shafteſbury and Buckingham bore an extreme hatred to Ormond, both from perſonal and party conſiderations: The great aim of the anti-courtiers was to throw reflections on every part of the king's government. It could be no ſurprize, therefore, to the lord lieutenant to learn, that his adminiſtration was attacked in parliament, particularly by Shafteſbury; but he had the ſatisfaction, at the ſame time, to hear of the keen, though polite defence, made by his ſon, the generous Oſſory. After juſtifying ſeveral particulars of Ormond's adminiſtration againſt that intriguing patriot, Oſſory proceeded in the following words: "Having "ſpoken of what the lord lieutenant has done, I pre-"ſume with the ſame truth to tell your lordſhips what "he has not done. He never adviſed the breaking of the "triple league; he never adviſed the ſhutting up of the "exchequer; he never adviſed the declaration for a "toleration; he never adviſed the falling out with the "Dutch and the joining with France: He was not the "author of that moſt excellent poſition *Delenda eſt Car-"thago*, that Holland, a proteſtant country, ſhould, con-"trary to the true intereſts of England, be totally de-"ſtroyed. I beg that your lordſhips will be ſo juſt as "to judge of my father and all men, according to their "actions and their counſels." Theſe few ſentences, pronounced by a plain gallant ſoldier, noted for probity, had a ſurpriſing effect upon the audience, and confounded all the rhetoric of his eloquent and factious adverſary. The

CHAP. LXIX.

1681.

prince of Orange, who eſteemed the former character as much as he deſpiſed the latter, could not forbear congratulating by letter the earl of Oſſory on this new ſpecies of victory which he had obtained.

Ossory, though he ever kept at a diſtance from faction, was the moſt popular man in the kingdom; though he never made any compliance with the corrupt views of the court, was beloved and reſpected by the king. An univerſal grief appeared on his death, which happened about this time, and which the populace, as is uſual wherever they are much affected, fooliſhly aſcribed to poiſon. Ormond bore the loſs with patience and dignity; though he ever retained a pleaſing, however melancholy, ſenſe of the ſignal merit of Oſſory. "I would "not exchange my dead ſon," ſaid he, "for any living "ſon in Chriſtendom."

These particularities may appear a digreſſion; but it is with pleaſure, I own, that I relax myſelf for a moment in the contemplation of theſe humane and virtuous characters, amidſt that ſcene of fury and faction, fraud and violence, in which at preſent our narration has unfortunately engaged us.

Besides the general intereſt of the country party to decry the conduct of all the king's miniſters, the prudent and peaceable adminiſtration of Ormond was in a particular manner diſpleaſing to them. In England, where the catholics were ſcarcely one to a hundred, means had been found to excite an univerſal panic, on account of inſurrections, and even maſſacres, projected by that ſect; and it could not but ſeem ſtrange that in Ireland, where they exceeded the proteſtants ſix to one, there ſhould no ſymptoms appear of any combination or conſpiracy. Such an incident, when duly conſidered, might even in England ſhake the credit of the plot, and diminiſh the authority of thoſe leaders, who had ſo long, with ſuch induſtry, inculcated the belief of it on the nation. Rewards, there-

CHAP. LXIX. 1681.

therefore, were publiſhed in Ireland to any that would bring intelligence or become witneſſes; and ſome profligates were ſent over to that kingdom, with a commiſſion to ſeek out evidence againſt the catholics. Under pretence of ſearching for arms or papers, they broke into houſes, and plundered them: They threw innocent men into priſon, and took bribes for their releaſe: And after all their diligence, it was with difficulty that that country, commonly fertile enough in witneſſes, could furniſh them with any fit for their purpoſe.

At laſt, one Fitzgerald appeared, followed by Ivey, Sanſon, Dennis, Bourke, two Macnamaras, and ſome others. Theſe men were immediately ſent over to England; and though they poſſeſſed neither character ſufficient to gain belief even for truth, nor ſenſe to invent a credible falſehood, they were careſſed, rewarded, ſupported, and recommended by the earl of Shafteſbury. Oliver Plunket, the titular primate of Ireland, a man of peaceable diſpoſitions, was condemned and executed upon ſuch teſtimony. And the Oxford parliament entered ſo far into the matter as to vote, that they were entirely ſatisfied in the reality of the *horrid* and *damnable* Iriſh plot. But ſuch deciſions, though at firſt regarded as infallible, had now loſt much of their authority; and the public ſtill remained ſomewhat indifferent and incredulous.

After the diſſolution of the parliament, and the ſubſequent victory of the royaliſts, Shafteſbury's evidences, with Turberville, Smith, and others, addreſſed themſelves to the miniſters, and gave information of high treaſon againſt their former patron. It is ſufficiently ſcandalous, that intelligence, conveyed by ſuch men, ſhould have been attended to; but there is ſome reaſon to think, that the court agents, nay the miniſters, nay the king himſelf[k], went farther, and were active in endeavouring,

[k] See captain Wilkinſon's narrative.

CHAP. LXIX.

1681.

though in vain, to find more reputable perſons to ſupport the blaſted credit of the Iriſh witneſſes. Shafteſbury was committed to priſon, and his indictment was preſented to the grand jury. The new ſheriffs of London, Shute and Pilkington, were engaged as deeply as their predeceſſors in the country party; and they took care to name a jury devoted to the ſame cauſe: A precaution quite neceſſary, when it was ſcarcely poſſible to find men indifferent or attached to neither party. As far as ſwearing could go, the treaſon was clearly proved againſt Shafteſbury; or rather ſo clearly as to merit no kind of credit or attention.

Shafteſbury acquitted.

That veteran leader of a party, enured from his early youth to faction and intrigue, to cabals and conſpiracies, was repreſented as opening without reſerve his treaſonable intentions to theſe obſcure banditti, and throwing out ſuch violent and outrageous reproaches upon the king, as none but men of low education, like themſelves, could be ſuppoſed to employ. The draught of an aſſociation, it is true, againſt popery and the duke, was found in Shafteſbury's cabinet; and dangerous inferences might be drawn from many clauſes of that paper. But it did not appear, that it had been framed by Shafteſbury, or ſo much as approved by him. And as projects of an aſſociation had been propoſed in parliament, it was very natural for this nobleman, or his correſpondents, to be thinking of ſome plan, which it might be proper to lay before that aſſembly. The grand jury, therefore, after weighing all theſe circumſtances, rejected the indictment; and the people, who attended the hall, teſtified their joy by the loudeſt acclamations, which were echoed throughout the whole city.

About this time a ſcheme of oppreſſion was laid in Scotland, after a manner ſtill more flagrant, againſt a nobleman much leſs obnoxious than Shafteſbury; and as that country was reduced to a ſtate of almoſt total ſubjection, the project had the good fortune to ſucceed.

The

CHAP. LXIX.

1681. Argyle's trial.

THE earl of Argyle, from his youth, had diſtinguiſhed himſelf by his loyalty, and his attachment to the royal family. Though his father was head of the covenanters, he himſelf refuſed to concur in any of their meaſures; and when a commiſſion of colonel was given him by the convention of ſtates, he forbore to act upon it, till it ſhould be ratified by the king. By his reſpectful behaviour, as well as by his ſervices, he made himſelf acceptable to Charles, when that prince was in Scotland: And even after the battle of Worceſter, all the misfortunes, which attended the royal cauſe, could not engage him to deſert it. Under Middleton he obſtinately perſevered to haraſs and infeſt the victorious Engliſh; and it was not till he received orders from that general, that he would ſubmit to accept of a capitulation. Such jealouſy of his loyal attachments was entertained by the commonwealth and protector, that a pretence was ſoon after fallen upon to commit him to priſon; and his confinement was rigorouſly continued till the reſtoration. The king, ſenſible of his ſervices, had remitted to him his father's forfeiture, and created him earl of Argyle; and when a moſt unjuſt ſentence was paſſed upon him by the Scottiſh parliament, Charles had anew remitted it. In the ſubſequent part of this reign, Argyle behaved himſelf dutifully; and though he ſeemed not diſpoſed to go all lengths with the court, he always appeared, even in his oppoſition, to be a man of mild diſpoſitions and peaceable deportment.

A PARLIAMENT was ſummoned at Edinburgh this ſummer, and the duke was appointed commiſſioner. Beſides granting money to the king, and voting the indefeaſible right of ſucceſſion, this parliament enacted a teſt, which all perſons, poſſeſſed of offices, civil, military, or eccleſiaſtical, were bound to take. In this teſt, the king's ſupremacy was aſſerted, the covenant renounced, paſſive obedience aſſented to, and all obligations diſclaimed

CHAP. LXIX.

1681.

of endeavouring any alteration in civil or eccleſiaſtical eſtabliſhments. This was the ſtate of the teſt, as propoſed by the courtiers; but the country party propoſed alſo to inſert a clauſe, which could not with decency be refuſed, expreſſing the perſon's adherence to the proteſtant religion. The whole was of an enormous length, conſidered as an oath; and what was worſe, a confeſſion of faith was there ratified, which had been impoſed a little after the reformation, and which contained many articles altogether forgotten by the parliament and nation. Among others, the doctrine of reſiſtance was inculcated; ſo that the teſt, being voted in a hurry, was found on examination to be a medley of contradiction and abſurdity. Several perſons, the moſt attached to the crown, ſcrupled to take it: The biſhops and many of the clergy remonſtrated: The earl of Queenſberry refuſed to ſwear, except he might be allowed to add an explanation: And even the privy council thought it neceſſary to publiſh for general ſatisfaction a ſolution of ſome difficulties, attending the teſt.

THOUGH the courtiers could not reject the clauſe of adhering to the proteſtant religion, they propoſed, as a neceſſary mark of reſpect, that all princes of the blood ſhould be exempted from taking the oath. This exception was zealouſly oppoſed by Argyle; who obſerved, that the ſole danger to be dreaded for the proteſtant religion muſt proceed from the perverſion of the royal family. By inſiſting on ſuch topics, he drew on himſelf the ſecret indignation of the duke, of which he ſoon felt the fatal conſequences.

WHEN Argyle took the teſt as a privy counſellor, he ſubjoined, in the duke's preſence, an explanation, which he had beforehand communicated to that prince, and which he believed to have been approved by him. It was in theſe words; "I have conſidered the teſt, and am

" very desirous of giving obedience as far as I can. I am confident, that the parliament never intended to impose contradictory oaths: Therefore I think no man can explain it but for himself. Accordingly, I take it as far as it is consistent with itself, and the protestant religion. And I do declare, that I mean not to bind myself, in my station, and in a lawful way, from wishing, and endeavouring any alteration, which I think to the advantage of church or state, and not repugnant to the protestant religion and my loyalty: And this I understand as a part of my oath." The duke, as was natural, heard these words with great tranquillity: No one took the least offence: Argyle was admitted to sit that day in council: And it was impossible to imagine, that a capital offence had been committed, where occasion seemed not to have been given, so much as for a frown or reprimand.

CHAP. LXIX. 1681.

ARGYLE was much surprised, a few days after, to find, that a warrant was issued for committing him to prison; that he was indicted for high-treason, leasing-making and perjury; and that from these innocent words an accusation was extracted, by which he was to forfeit honours, life, and fortune. It is needless to enter into particulars, where the iniquity of the whole is so apparent. Though the sword of justice was displayed, even her semblance was not put on; and the forms alone of law were preserved, in order to sanctify, or rather aggravate the oppression. Of five judges, three did not scruple to find the guilt of treason and leasing-making to be incurred by the prisoner: A jury of fifteen noblemen gave verdict against him: And the king, being consulted, ordered the sentence to be pronounced; but the execution of it to be suspended till farther orders.

IT was pretended by the duke and his creatures, that Argyle's life and fortune were not in any danger, and that

CHAP. LXIX.

1681.

that the ſole reaſon for puſhing the trial to ſuch extremities againſt him was in order to make him renounce ſome hereditary juriſdictions, which gave his family a dangerous authority in the highlands, and obſtructed the courſe of public juſtice. But allowing the end to be juſtifiable, the means were infamous; and ſuch as were incompatible, not only with a free, but a civilized government. Argyle had therefore no reaſon to truſt any longer to the juſtice or mercy of ſuch enemies: He made his eſcape from priſon; and till he ſhould find a ſhip for Holland, he concealed himſelf during ſome time in London. The king heard of his lurking-place, but would not allow him to be arreſted[1]. All the parts however of his ſentence, as far as the government in Scotland had power, were rigorouſly executed; his eſtate confiſcated, his arms reverſed and torn.

State of affairs in Scotland.

It would ſeem, that the genuine paſſion for liberty was at this time totally extinguiſhed in Scotland: There was only preſerved a ſpirit of mutiny and ſedition, encouraged by a miſtaken zeal for religion. Cameron and Cargil, two furious preachers, went a ſtep beyond all their brethren: They publicly excommunicated the king for his tyranny and his breach of the covenant; and they renounced all allegiance to him. Cameron was killed by the troops in an action at Airs-Moſs; Cargil was taken and hanged. Many of their followers were tried and convicted. Their lives were offered them if they would ſay, *God ſave the king*: But they would only agree to pray for his repentance. This obſtinacy was much inſiſted on as an apology for the rigors of the adminiſtration: But if duly conſidered, it will rather afford reaſon for a contrary inference. Such unhappy deluſion is an object rather of commiſeration than of anger: And it is almoſt impoſſible, that men could have been carried to ſuch a

[1] Burnet, vol. i. p. 522.

degree

degree of frenzy, unleſs provoked by a long train of violence and oppreſſion. CHAP. LXIX.

As the king was maſter in England, and no longer dreaded the clamours of the country party, he permitted the duke to pay him a viſit; and was ſoon after prevailed on to allow of his return to England, and of his bearing a part in the adminiſtration. The duke went to Scotland, in order to bring up his family, and ſettle the government of that country; and he choſe to take his paſſage by ſea. The ſhip ſtruck on a ſand-bank, and was loſt: The duke eſcaped in the barge; and it is pretended, that, while many perſons of rank and quality were drowned, and among the reſt Hyde, his brother-in-law, he was very careful to ſave ſeveral of his dogs and prieſts: For theſe two ſpecies of favourites are coupled together by ſome writers. It has likewiſe been aſſerted, that the barge might ſafely have held more perſons, and that ſome who ſwam to it were thruſt off, and even their hands cut, in order to diſengage them. But every action of every eminent perſon, during this period, is ſo liable to be miſinterpreted and miſrepreſented by faction, that we ought to be very cautious in paſſing judgment on too ſlight evidence. It is remarkable, that the ſailors on board the ſhip, though they felt themſelves ſinking, and ſaw inevitable death before their eyes, yet, as ſoon as they obſerved the duke to be in ſafety, gave a loud ſhout, in teſtimony of their joy and ſatisfaction. 1682.

The duke, during his abode in Scotland, had behaved with great civility towards the gentry and nobility; and by his courtly demeanor had much won upon their affections: But his treatment of the enthuſiaſts was ſtill ſomewhat rigorous; and in many inſtances he appeared to be a man of a ſevere, if not an unrelenting temper. It is even aſſerted, that he ſometimes aſſiſted at the torture of criminals,

CHAP. LXIX.

1682.

criminals, and looked on with tranquillity, as if he were conſidering ſome curious experiment [m]. He left the authority in the hands of the earl of Aberdeen, chancellor, and the earl of Queenſberry, treaſurer. A very arbitrary ſpirit appeared in their adminiſtration: A gentleman of the name of Weir was tried, becauſe he had kept company with one who had been in rebellion; though that perſon had never been marked out by proceſs or proclamation. The inferences upon which Weir was condemned (for a proſecution by the government and a condemnation were in Scotland the ſame thing) hung upon each other after the following manner: No man, it was ſuppoſed, could have been in a rebellion without being expoſed to ſuſpicion in the neighbourhood: If the neighbourhood had ſuſpected him, it was to be preſumed that each individual had likewiſe heard of the grounds of ſuſpicion: Every man was bound to declare to the government his ſuſpicion againſt every man, and to avoid the company of traitors: To fail in this duty was to participate in the treaſon: The concluſion on the whole was, You have converſed with a rebel; therefore you are yourſelf a rebel. A reprieve was, with ſome difficulty, procured for Weir; but it was ſeriouſly determined to make uſe of the precedent. Courts of judicature were erected in the ſouthern and weſtern counties, and a ſtrict inquiſition carried on againſt this new ſpecies of crime. The term of three years was appointed for the continuance of theſe courts; after which an indemnity was promiſed. Whoever would take the teſt, was inſtantly entitled to the benefit of this indemnity. The preſbyterians, alarmed with ſuch tyranny, from which no man could deem himſelf ſafe, began to think of leaving the

[m] Burnet, vol. i. p. 583. Wodrow, vol. ii. p. 169. This laſt author, who is much the better authority, mentions only one inſtance, that of Spreul, which ſeems to have been an extraordinary one.

country;

country; and ſome of their agents were ſent to England, in order to treat with the proprietors of Carolina for a ſettlement in that colony. Any condition ſeemed preferable to the living in their native country, which, by the prevalence of perſecution and violence, was become as inſecure to them as a den of robbers. CHAP. LXIX. 1682.

ABOVE two thouſand perſons were outlawed on pretence of their converſing or having intercourſe with rebels [n], and they were continually hunted in their retreat by ſoldiers, ſpies, informers, and oppreſſive magiſtrates. It was uſual to put enſnaring queſtions to people living peaceably in their own houſes; ſuch as, "Will you renounce the covenant? Do you eſteem the riſing at "Bothwel to be rebellion? Was the killing of the archbiſhop of St. Andrews murder?" And when the poor deluded creatures refuſed to anſwer, capital puniſhments were inflicted on them [o]. Even women were brought to the gibbet for this pretended crime. A number of fugitives, rendered frantic by oppreſſion, had publiſhed a ſeditious declaration; renouncing allegiance to Charles Stuart, whom they called, as they, for their parts, had indeed ſome reaſon to eſteem him, a tyrant. This incident afforded the privy council a pretence for an unuſual kind of oppreſſion. Soldiers were diſperſed over the country, and power was given to all commiſſion-officers, even the loweſt, to oblige every one they met with to abjure the declaration; and upon refuſal, inſtantly, without farther queſtions, to ſhoot the delinquent [p]. It were endleſs, as well as ſhocking, to enumerate all the inſtances of perſecution, or, in other words, of abſurd tyranny, which at that time prevailed in Scotland. One of them, however, is ſo ſingular, that I cannot forbear relating it.

[n] Wodrow, vol. ii. Appendix, 94.
[o] Ibid. vol. ii. paſſim.
[p] Ibid. vol. ii. p. 434.

THREE

CHAP. LXIX.

1682.

THREE women were ſeized [q]; and the cuſtomary oath was tendered to them, by which they were to abjure the ſeditious declaration above mentioned. They all refuſed, and were condemned to a capital puniſhment by drowning. One of them was an elderly woman: The other two were young; one eighteen years of age, the other only thirteen. Even theſe violent perſecutors were aſhamed to put the youngeſt to death: But the other two were conducted to the place of execution, and were tied to ſtakes within the ſea-mark at low water: A contrivance which rendered their death lingering and dreadful. The elderly woman was placed fartheſt in, and by the riſing of the waters was firſt ſuffocated. The younger, partly terrified with the view of her companion's death, partly ſubdued by the entreaty of her friends, was prevailed with to ſay, *God ſave the King*. Immediately the ſpectators called out that ſhe had ſubmitted; and ſhe was looſened from the ſtake. Major Winram, the officer who guarded the execution, again required her to ſign the abjuration; and upon her refuſal, he ordered her inſtantly to be plunged in the water, where ſhe was ſuffocated.

THE ſeverity of the adminiſtration in Scotland is in part to be aſcribed to the duke's temper, to whom the king had conſigned over the government of that country, and who gave ſuch attention to affairs as to allow nothing of moment to eſcape him. Even the government of England, from the ſame cauſe, began to be ſomewhat infected with the ſame ſeverity. The duke's credit was great at court. Though neither ſo much beloved nor eſteemed as the king, he was more dreaded; and thence an attendance more exact, as well as a ſubmiſſion more obſequious, was paid to him. The ſaying of Waller was remarked, that Charles, in ſpite to the parliament, who

[q] Wodrow, vol. ii. p. 505.

had

had determined that the duke ſhould not ſucceed him, was reſolved that he ſhould reign even in his lifetime. CHAP. LXIX. 1682.

THE king, however, who loved to maintain a balance in his councils, ſtill ſupported Halifax, whom he created a marquis, and made privy ſeal, though ever in oppoſition to the duke. This man, who poſſeſſed the fineſt genius and moſt extenſive capacity of all employed in public affairs during the preſent reign, affected a ſpecies of neutrality between the parties, and was eſteemed the head of that ſmall body known by the denomination of *Trimmers*. This conduct, which is more natural to men of integrity than of ambition, could not, however, procure him the former character; and he was always, with reaſon, regarded as an intriguer rather than a patriot. Sunderland, who had promoted the excluſion-bill, and who had been diſplaced on that account, was again, with the duke's conſent, brought into the adminiſtration. The extreme duplicity, at leaſt variableneſs, of this man's conduct, through the whole courſe of his life, made it be ſuſpected that it was by the king's direction he had mixed with the country party. Hyde, created earl of Rocheſter, was firſt commiſſioner of the treaſury, and was entirely in the duke's intereſts. State of the miniſtry in England.

THE king himſelf was obliged to act as the head of a party; a diſagreeable ſituation for a prince, and always the ſource of much injuſtice and oppreſſion. He knew how obnoxious the diſſenters were to the church; and he reſolved, contrary to the maxims of toleration which he had hitherto ſupported in England, to gratify his friends by the perſecution of his enemies. The laws againſt conventicles were now rigorouſly executed; an expedient which, the king knew, would diminiſh neither the numbers nor influence of the nonconformiſts; and which is therefore to be deemed more the reſult of paſſion

CHAP. LXIX.

1682.

paſſion than of policy. Scarcely any perſecution ſerves the intended purpoſe but ſuch as amounts to a total extermination.

New nomination of ſheriffs.

THOUGH the king's authority made every day great advances, it ſtill met with conſiderable obſtacles, chiefly from the city, which was entirely in the hands of the malcontents. The juries, in particular, named by the ſheriffs, were not likely to be impartial judges between the crown and the people; and, after the experiments already made in the caſe of Shafteſbury and that of College, treaſon, it was apprehended, might there be committed with impunity. There could not therefore be a more important ſervice to the court than to put affairs upon a different footing. Sir John Moore, the mayor, was gained by ſecretary Jenkins, and encouraged to inſiſt upon the cuſtomary privilege of his office, of naming one of the ſheriffs. Accordingly, when the time of election came, he drank to North, a Levant merchant, who accepted of that expenſive office. The country party ſaid, that, being lately returned from Turkey, he was, on account of his recent experience, better qualified to ſerve the purpoſes of the court. A poll was opened for the election of another ſheriff; and here began the conteſt. The majority of the common-hall, headed by the two ſheriffs of the former year, refuſed to acknowledge the mayor's right of appointing one ſheriff, but inſiſted

24th of June.

that both muſt be elected by the livery. Papillon and Dubois were the perſons whom the country party agreed to elect: Box was pointed out by the courtiers. The poll was opened; but as the mayor would not allow the election to proceed for two vacancies, the ſheriffs and he ſeparated, and each carried on the poll apart. The country party, who voted with the ſheriffs for Papillon and Dubois, were much more numerous than thoſe who voted with the mayor for Box: But as the mayor

inſiſted,

CHAP. LXIX.

1682.

insisted, that his poll was the only legal one, he declared Box to be duly elected. All difficulties, however, were not surmounted. Box, apprehensive of the consequences which might attend so dubious an election, fined off; and the mayor found it necessary to proceed to a new choice. When the matter was proposed to the common-hall, a loud cry was raised, No election! No election! The two sheriffs already elected, Papillon and Dubois, were insisted on as the only legal magistrates. But as the mayor still maintained, that Box alone had been legally chosen, and that it was now requisite to supply his place, he opened books anew; and during the tumult and confusion of the citizens, a few of the mayor's partizans elected Rich, unknown to and unheeded by the rest of the livery. North and Rich were accordingly sworn in sheriffs for the ensuing year; but it was necessary to send a guard of the train bands to protect them in entering upon their office. A new mayor of the court party was soon after chosen, by means, as is pretended, still more violent and irregular.

25th of October.

THUS the country party were dislodged from their strong hold in the city; where, ever since the commencement of factions in the English government, they had, without interruption, almost without molestation, maintained a superiority. It had been happy, had the partialities, hitherto objected to juries, been corrected, without giving place to partialities of an opposite kind: But in the present distracted state of the nation, an equitable neutrality was almost impossible to be attained. The court and church party, who were now named on juries, made justice subservient to their factious views; and the king had a prospect of obtaining full revenge on his enemies. It was not long before the effects of these alterations were seen. When it was first reported, that the

CHAP. LXIX.

duke intended to leave Scotland, Pilkington, at that time ſheriff, a very violent man, had broken out in theſe terms, 1682. "He has already burned the city; and he is now coming to cut all our throats!" For theſe ſcandalous expreſſions, the duke ſued Pilkington; and enormous damages to the amount of 100,000 pounds were decreed him. By the law of England, ratified in the great charter, no fines or damages ought to extend to the total ruin of a criminal. Sir Patience Ward, formerly mayor, who gave evidence for Pilkington, was ſued for perjury, and condemned to the pillory: A ſevere ſentence, and ſufficient to deter all witneſſes from appearing in favour of thoſe who were proſecuted by the court.

1683. BUT though the crown had obtained ſo great a victory in the city, it was not quite deciſive; and the conteſt might be renewed every year at the election of magiQuo warrantos. ſtrates. An important project, therefore, was formed, not only to make the king maſter of the city, but by that precedent to gain him uncontrouled influence in all the corporations of England, and thereby give the greateſt wound to the legal conſtitution, which the moſt powerful and moſt arbitrary monarchs had ever yet been able to inflict. A writ of *quo warranto* was iſſued againſt the city; that is, an enquiry into the validity of its charter. It was pretended, that the city had forfeited all its privileges, and ought to be declared no longer a corporation, on account of two offences which the court of aldermen and common council had committed. After the great fire in 1666, all the markets had been rebuilt, and had been fitted up with many conveniences; and, in order to defray the expence, the magiſtrates had impoſed a ſmall toll on goods brought to market: In the year 1679, they had addreſſed the king againſt the prorogation of parliament,

ment, and had employed the following terms: "Your "petitioners are greatly ſurprized at the late prorogation, "whereby the proſecution of the public juſtice of the "kingdom, and the making of neceſſary proviſions for "the preſervation of your majeſty and your proteſtant "ſubjects, have received interruption." Theſe words were pretended to contain a ſcandalous reflection on the king and his meaſures. The cauſe of the city was defended againſt the attorney and ſolicitor generals, by Treby and Pollexfen. CHAP. LXIX. 1683.

THESE laſt pleaded, that, ſince the foundation of the monarchy, no corporation had ever yet been expoſed to forfeiture, and the thing itſelf implied an abſurdity: That a corporation, as ſuch, was incapable of all crime or offence, and none were anſwerable for any iniquity but the perſons themſelves who committed it: That the members, in chooſing magiſtrates, had entruſted them with legal powers only; and where the magiſtrates exceeded theſe powers, their acts were void, but could never involve the body itſelf in any criminal imputation: That ſuch had ever been the practice of England, except at the reformation, when the monaſteries were aboliſhed; but this was an extraordinary caſe; and it was even thought neceſſary to ratify afterwards the whole tranſaction by act of parliament: That corporate bodies, framed for public good, and calculated for perpetual duration, ought not to be annihilated for the temporary faults of their members, who might themſelves, without hurting the community, be queſtioned for their offences: That even a private eſtate, if entailed, could not be forfeited to the crown, on account of treaſon committed by the tenant for life; but upon his demiſe went to the next in remainder: That the offences, objected to the city, far from deſerving ſo ſevere a puniſhment, were not even worthy

CHAP. LXIX.

1683.

of the ſmalleſt reprehenſion. That all corporations were inveſted with the power of making bye-laws; and the ſmalleſt borough in England had ever been allowed to carry the exerciſe of this power farther than London had done in the inſtance complained of: That the city, having, at its own expence, repaired the markets, which were built too on its own eſtate, might as lawfully claim a ſmall recompence from ſuch as brought commodities thither, as a man might require rent for a houſe, of which he was poſſeſſed. That thoſe who diſliked the condition, might abſtain from the market; and whoever paid, had done it voluntarily: That it was an avowed right of the ſubjects to petition; nor had the city in their addreſs abuſed this privilege: That the king himſelf had often declared, the parliament often voted, the nation to be in danger from the popiſh plot; which, it is evident, could not be fully proſecuted but in a parliamentary manner: That the impeachment of the popiſh lords was certainly obſtructed by the frequent prorogations; as was alſo the enacting of neceſſary laws, and providing for the defence of the nation: That the loyalty of the city, no leſs than their regard to ſelf-preſervation, might prompt them to frame the petition; ſince it was acknowledged, that the king's life was every moment expoſed to the moſt imminent danger from the popiſh conſpiracy: That the city had not accuſed the king of obſtructing juſtice, much leſs of having any ſuch intention; ſince it was allowed, that evil counſellors were alone anſwerable for all the pernicious conſequences of any meaſure: And that it was unaccountable, that two public deeds, which had not, during ſo long a time, ſubjected to any, even the ſmalleſt penalty, the perſons guilty of them, ſhould now be puniſhed ſo ſeverely upon the corporation, which always was, and always muſt be innocent.

7 It

CHAP. LXIX.

1683. 12th June.

It is evident, that thoſe who would apologize for the meaſures of the court, muſt, in this caſe, found their arguments, not on law, but reaſons of ſtate. The judges, therefore, who condemned the city, are inexcuſable; ſince the ſole object of their determinations muſt ever be the pure principles of juſtice and equity. But the office of judge was at that time held during pleaſure; and it was impoſſible that any cauſe, where the court bent its force, could ever be carried againſt it. After ſentence was pronounced, the city applied in a humble manner to the king; and he agreed to reſtore their charter, but in return they were obliged to ſubmit to the following regulations: That no mayor, ſheriff, recorder, common ſerjeant, town clerk, or coroner, ſhould be admitted to the exerciſe of his office without his majeſty's approbation: That if the king diſapprove twice of the mayor or ſheriffs elected, he may by commiſſion appoint theſe magiſtrates: That the mayor and court of aldermen may, with his majeſty's leave, diſplace any magiſtrate: And that no alderman, in caſe of a vacancy, ſhall be elected without conſent of the court of aldermen, who, if they diſapprove twice of the choice, may fill the vacancy.

Great power of the crown.

All the corporations in England, having the example of London before their eyes, ſaw how vain it would prove to contend with the court, and were, moſt of them, ſucceſſively induced to ſurrender their charters into the king's hands. Conſiderable ſums were exacted for reſtoring the charters; and all offices of power and profit were left at the diſpoſal of the crown. It ſeems ſtrange, that the independent royaliſts, who never meant to make the crown abſolute, ſhould yet be ſo elated with the victory obtained over their adverſaries, as to approve of a precedent, which left no national privileges in ſecurity, but enabled the king under like pretences, and by means

CHAP. LXIX. 1683.

of like inſtruments, to recal anew all thoſe charters, which at preſent he was pleaſed to grant. And every friend to liberty muſt allow, that the nation, whoſe conſtitution was thus broken in the ſhock of faction, had a right, by every prudent expedient, to recover that ſecurity, of which it was ſo unhappily bereaved.

WHILE ſo great a faction adhered to the crown, it is apparent, that reſiſtance, however juſtifiable, could never be prudent; and all wiſe men ſaw no expedient but peaceably to ſubmit to the preſent grievances. There was, however, a party of malcontents, ſo turbulent in their diſpoſition, that, even before this laſt iniquity, which laid the whole conſtitution at the mercy of the king, they had meditated plans of reſiſtance; at a time when it could be as little juſtifiable as prudent. In the ſpring 1681[r], a little before the Oxford parliament, the king was ſeized with a fit of ſickneſs at Windſor, which gave great alarm to the public. The duke of Monmouth, lord Ruſſel, lord Grey, inſtigated by the reſtleſs Shafteſbury, had agreed, in caſe the king's ſickneſs ſhould prove mortal, to riſe in arms, and to oppoſe the ſucceſſion of the duke. Charles recovered; but theſe dangerous projects were not laid aſide. The ſame conſpirators, together with Eſſex and Saliſbury, were determined to continue the Oxford parliament, after the king, as was daily expected, ſhould diſſolve it; and they engaged ſome leaders among the commons in the ſame deſperate meaſure. They went ſo far as to detain ſeveral lords in the houſe, under pretence of ſigning a proteſt

A conſpiracy.

[r] Lord Grey's ſecret hiſtory of the Rye-houſe plot. This is the moſt full and authentic account of all theſe tranſactions; but is in the main confirmed by biſhop Sprat, and even Burnet, as well as by the trials and dying confeſſions of the conſpirators: So that nothing can be more unaccountable than that any one ſhould pretend, that this conſpiracy was an impoſture like the popiſh plot. Monmouth's declaration publiſhed in the next reign, confeſſes a conſul: for extraordinary remedies.

againſt

againſt rejecting Fitz-harris's impeachment: But hearing that the commons had broken up in great conſternation, they were likewiſe obliged at laſt to ſeparate. Shafteſbury's impriſonment and trial put an end for ſome time to theſe machinations; and it was not till the new ſheriffs were impoſed on the city that they were revived. The leaders of the country party began then to apprehend themſelves in imminent danger; and they were well pleaſed to find, that the citizens were ſtruck with the ſame terror, and were thence inclined to undertake the moſt perilous enterprizes. Beſides the city, the gentry and nobility in ſeveral counties of England were ſolicited to riſe in arms. Monmouth engaged the earl of Macclesfield, lord Brandon, Sir Gilbert Gerrard, and other gentlemen in Cheſhire; lord Ruſſel fixed a correſpondence with Sir William Courtney, Sir Francis Rowles, Sir Francis Drake, who promiſed to raiſe the weſt; and Trenchard in particular, who had intereſt in the diſaffected town of Taunton, aſſured him of conſiderable aſſiſtance from that neighbourhood. Shafteſbury, and his emiſſary Ferguſon, an independent clergyman, and a reſtleſs plotter, managed the correſpondence in the city, upon which the confederates chiefly relied. The whole train was ready to take fire; but was prevented by the caution of lord Ruſſel, who induced Monmouth to delay the enterprize. Shafteſbury, in the mean time, was ſo much affected with the ſenſe of his danger, that he had left his houſe, and ſecretly lurked in the city; meditating all thoſe deſperate ſchemes, which diſappointed revenge and ambition could inſpire. He exclaimed loudly againſt delay, and repreſented to his confederates, that having gone ſo far, and entruſted the ſecret into ſo many hands, there was no ſafety for them but in a bold and deſperate proſecution of their purpoſe. The projects were therefore renewed: Meetings of the conſpirators were appointed in different

CHAP. LXIX. 1683.

CHAP. LXIX.

1683.

houſes, particularly in Shephard's, an eminent wine-merchant in the city: The plan of an inſurrection was laid in London, Cheſhire, Devonſhire, and Briſtol: The ſeveral places of rendezvous in the city were concerted; and all the operations fixed: The ſtate of the guards was even viewed by Monmouth and Armſtrong, and an attack on them pronounced practicable: A declaration to juſtify the enterprize to the public was read and agreed to: And every circumſtance ſeemed now to render an inſurrection unavoidable; when a new delay was procured by Trenchard, who declared, that the riſing in the weſt could not for ſome weeks be in ſufficient forwardneſs.

SHAFTESBURY was enraged at theſe perpetual cautions and delays in an enterprize, which, he thought, nothing but courage and celerity could render effectual: He threatened to commence the inſurrection with his friends in the city alone; and he boaſted, that he had ten thouſand *briſk boys*, as he called them, who, on a motion of his finger, were ready to fly to arms. Monmouth, Ruſſel, and the other conſpirators, were, during ſome time, in apprehenſions, leſt deſpair ſhould puſh him into ſome dangerous meaſure; when they heard, that, after a long combat between fear and rage, he had at laſt abandoned all hopes of ſucceſs, and had retired into Holland. He lived in a private manner at Amſterdam; and for greater ſecurity deſired to be admitted into the magiſtracy of that city: But his former violent counſels againſt the Dutch commonwealth were remembered; and all applications from him were rejected. He died ſoon after; and his end gave neither ſorrow to his friends, nor joy to his enemies. His furious temper, notwithſtanding his capacity, had done great injury to the cauſe in which he was engaged. The violences and iniquities, which he ſuggeſted and encouraged, were greater than even faction itſelf could endure; and men could not forbear

Shafteſbury retires and dies.

forbear ſometimes recollecting, that the ſame perſon, who had become ſo zealous a patriot, was once a moſt proſtitute courtier. It is remarkable, that this man, whoſe principles and conduct were, in all other reſpects, ſo exceptionable, proved an excellent chancellor; and that all his decrees, while he poſſeſſed that high office, were equally remarkable for juſtneſs and for integrity. So difficult is it to find in hiſtory a character either wholly bad or perfectly good; though the prejudices of party make writers run eaſily into the extremes both of panegyric and of ſatire!

CHAP. LXIX. 1683.

AFTER Shafteſbury's departure, the conſpirators found ſome difficulty in renewing the correſpondence with the city malcontents, who had been accuſtomed to depend ſolely on that nobleman. Their common hopes, however, as well as common fears, made them at laſt have recourſe to each other; and a regular project of an inſurrection was again formed. A council of ſix was erected, conſiſting of Monmouth, Ruſſel, Eſſex, Howard, Algernon Sidney, and John Hambden, grandſon of the great parliamentary leader. Theſe men entered into an agreement with Argyle and the Scottiſh malcontents; who engaged, that, upon the payment of 10,000 pounds for the purchaſe of arms in Holland, they would bring the covenanters into the field. Inſurrections, likewiſe, were anew projected in Cheſhire, and the weſt, as well as in the city; and ſome meetings of the leaders were held, in order to reduce theſe projects into form. The conſpirators differed extremely in their views. Sidney was paſſionate for a commonwealth. Eſſex had embraced the ſame project. But Monmouth had entertained hopes of acquiring the crown for himſelf. Ruſſel, as well as Hambden, was much attached to the ancient conſtitution, and intended only the excluſion of the duke, and the redreſs of grievances. Lord Howard was a man of no prin-

CHAP. LXIX.

1683.

principle, and was ready to embrace any party which his immediate intereſt ſhould recommend to him. But notwithſtanding this difference of characters and of views, their common hatred of the duke and the preſent adminiſtration united them in one party; and the dangerous experiment of an inſurection was fully reſolved on.

Rye houſe plot.

WHILE theſe ſchemes were concerting among the leaders, there was an inferior order of conſpirators, who held frequent meetings; and, together with the inſurrection, carried on projects quite unknown to Monmouth and the cabal of ſix. Among theſe men were colonel Rumſey, an old republican officer, who had diſtinguiſhed himſelf in Portugal, and had been recommended to the king by mareſchal Schomberg; lieutenant colonel Walcot, likewiſe a republican officer; Goodenough, underſheriff of London, a zealous and noted party-man; Weſt, Tyley, Norton, Ayloffe, lawyers; Ferguſon, Rouſe, Hone, Keiling, Holloway, Bourne, Lee, Rumbald. Moſt of theſe laſt were merchants or tradeſmen; and the only perſons of this confederacy, who had acceſs to the leaders of the party, were Rumſey and Ferguſon. When theſe men met together, they indulged themſelves in the moſt deſperate and moſt criminal diſcourſe: They frequently mentioned the aſſaſſination of the king and the duke, to which they had given the familiar appellation of *lopping:* They even went ſo far as to have thought of a ſcheme for that purpoſe. Rumbald, who was a maltſter, poſſeſſed a farm, called the Ryehouſe, which lay on the road to Newmarket, whither the king commonly went once a-year, for the diverſion of the races. A plan of this farm had been laid before ſome of the conſpirators by Rumbald, who ſhowed them how eaſy it would be, by overturning a cart, to ſtop at that place the king's coach; while they might fire upon him from the hedges, and be enabled afterwards, through bye-lanes and croſs the

the fields, to make their eſcape. But though the plauſibility of this ſcheme gave great pleaſure to the conſpirators, no concerted deſign was as yet laid, nor any men, horſes, or arms provided: The whole was little more than looſe diſcourſe, the overflowings of their zeal and rancour. The houſe, in which the king lived at Newmarket, took fire accidentally; and he was obliged to leave that place eight days ſooner than he intended. To this circumſtance his ſafety was afterwards aſcribed, when the conſpiracy was detected; and the court party could not ſufficiently admire the wiſe diſpenſations of providence. It is indeed certain, that as the king had thus unexpectedly left Newmarket, he was worſe attended than uſual; and Rumbald informed his confederates with regret, what a fine opportunity was thus unfortunately loſt. CHAP. LXIX. 1683.

Among the conſpirators I have mentioned Keiling, a ſalter in London. This man had been engaged in a bold meaſure, of arreſting the mayor of London, at the ſuit of Papillon and Dubois, the outed ſheriffs; and being liable to proſecution for that action, he thought it ſafeſt to purchaſe a pardon, by revealing the conſpiracy, in which he was deeply concerned. He brought to ſecretary Jenkins intelligence of the aſſaſſination plot; but as he was a ſingle evidence, the ſecretary, whom many falſe plots had probably rendered incredulous, ſcrupled to iſſue warrants for the commitment of ſo great a number of perſons. Keiling, therefore, in order to fortify his teſtimony, engaged his brother in treaſonable diſcourſe with Goodenough, one of the conſpirators; and Jenkins began now to give more attention to the intelligence. The conſpirators had got ſome hint of the danger, in which they were involved; and all of them concealed themſelves. One perſon alone, of the name of Barber an inſtrument-maker, was ſeized; and as his confeſſion concurred Conſpiracy diſcovered. 12th June.

CHAP. LXIX. 1683.

concurred in many particulars with Keiling's information, the affair ſeemed to be put out of all queſtion; and a more diligent ſearch was every where made after the conſpirators.

WEST, the lawyer, and colonel Rumſey, finding the perils to which they were expoſed in endeavouring to eſcape, reſolved to ſave their own lives at the expence of their companions; and they ſurrendered themſelves with an intention of becoming evidence. Weſt could do little more than confirm the teſtimony of Keiling with regard to the aſſaſſination plot; but Rumſey, beſides giving additional confirmation of the ſame deſign, was at laſt, though with much difficulty, led to reveal the meetings at Shephard's. Shephard was immediately apprehended; and had not courage to maintain fidelity to his confederates. Upon his information, orders were iſſued for arreſting the great men engaged in the conſpiracy. Monmouth abſconded: Ruſſel was ſent to the Tower: Gray was arreſted, but eſcaped from the meſſenger: Howard was taken, while he concealed himſelf in a chimney; and being a man of profligate morals, as well as indigent circumſtances, he ſcrupled not, in hopes of a pardon and a reward, to reveal the whole conſpiracy. Eſſex, Sidney, and Hambden were immediately apprehended upon his evidence. Every day ſome of the conſpirators were detected in their lurking-places, and thrown into priſon.

Execution of the conſpirators.

LIEUTENANT COLONEL WALCOT was firſt brought to his trial. This man who was once noted for bravery, had been ſo far overcome by the love of life, that he had written to ſecretary Jenkins, and had offered, upon promiſe of pardon, to turn evidence: But no ſooner had he taken this mean ſtep, than he felt more generous ſentiments ariſe in him; and he endeavoured, though in vain, to conceal himſelf. The witneſſes againſt him were Rumſey,

Rumſey, Weſt, Shephard, together with Bourne, a brewer. His own letter to the ſecretary was produced, and rendered the teſtimony of the witneſſes unqueſtionable. Hone and Rouſe were alſo condemned. Theſe two men, as well as Walcot, acknowledged, at their execution, the juſtice of the ſentence; and from their trial and confeſſion, it is ſufficiently apparent, that the plan of an inſurrection had been regularly formed; and that even the aſſaſſination had been often talked of, and not without the approbation of many of the conſpirators.

Trial of lord Ruſſel.

THE condemnation of theſe criminals was probably intended as a preparative to the trial of Lord Ruſſel, and ſerved to impreſs the public with a thorough belief of the conſpiracy, as well as a horror againſt it. The witneſſes produced againſt the noble priſoner were Rumſey, Shephard, and lord Howard. Rumſey ſwore, that he himſelf had been introduced to the cabal at Shephard's, where Ruſſel was preſent; and had delivered them a meſſage from Shafteſbury, urging them to haſten the intended inſurrection: But had received for anſwer, that it was found neceſſary to delay the deſign, and that Shafteſbury muſt therefore, for ſome time, reſt contented. This anſwer, he ſaid, was delivered by Ferguſon; but was aſſented to by the priſoner. He added, that ſome diſcourſe had been entered into about taking a ſurvey of the guards; and he thought that Monmouth, Grey, and Armſtrong undertook to view them. Shephard depoſed, that his houſe had beforehand been beſpoken by Ferguſon for the ſecret meeting of the conſpirators, and that he had been careful to keep all his ſervants from approaching them, and had ſerved them himſelf. Their diſcourſe, he ſaid, ran chiefly upon the means of ſurpriſing the guards; and it was agreed, that Monmouth and his two friends ſhould take a ſurvey of them. The report, which they brought next meeting, was, that the guards were remiſs, and

CHAP. LXIX. 1683.

and that the deſign was practicable: But he did not affirm that any reſolution was taken of executing it. The priſoner, he thought, was preſent at both theſe meetings; but he was ſure that at leaſt he was preſent at one of them. A declaration, he added, had been read by Ferguſon in Ruſſel's preſence: The reaſons of the intended inſurrection were there ſet forth, and all the public grievances fully diſplayed.

Lord Howard had been one of the cabal of ſix, eſtabliſhed after Shafteſbury's flight; and two meetings had been held by the conſpirators, one at Hambden's, another at Ruſſel's. Howard depoſed, that, at the firſt meeting, it was agreed to begin the inſurrection in the country before the city; the places were fixed, the proper quantity and kind of arms agreed on, and the whole plan of operations concerted: That at the ſecond meeting, the converſation chiefly turned upon their correſpondence with Argyle and the diſcontented Scots, and that the principal management of that affair was entruſted to Sidney, who had ſent one Aaron Smith into Scotland with proper inſtructions. He added, that in theſe deliberations no queſtion was put, or votes collected; but there was no contradiction; and, as he took it, all of them, and the priſoner among the reſt, gave their conſent.

Rumsey and Shephard were very unwilling witneſſes againſt lord Ruſſel; and it appears from Gray's Secret Hiſtory[s], that, if they had pleaſed, they could have given a more explicit teſtimony againſt him. This reluctance, together with the difficulty in recollecting circumſtances of a converſation, which had paſſed above eight months before, and which the perſons had not at that time any intention to reveal, may beget ſome ſlight objection to

[s] Page 43.

their

their evidence. But on the whole, it was undoubtedly proved, that the inſurrection had been deliberated on by the priſoner, and fully reſolved; the ſurpriſal of the guards deliberated on, but not fully reſolved; and that an aſſaſſination had never once been mentioned nor imagined by him: So far the matter of fact ſeems certain: But ſtill, with regard to law, there remained a difficulty, and that of an important nature. CHAP. LXIX. 1683.

THE Engliſh laws of treaſon, both in the manner of defining that crime, and in the proof required, are the mildeſt and moſt indulgent, and conſequently the moſt equitable that are any where to be found. The two chief ſpecies of treaſon, contained in the ſtatute of Edward III. are the compaſſing and intending of the king's death, and the actually levying of war againſt him; and by the law of Mary, the crime muſt be proved by the concurring teſtimony of two witneſſes, to ſome overt act, tending to theſe purpoſes. But the lawyers, partly deſirous of paying court to the ſovereign, partly convinced of ill conſequences which might attend ſuch narrow limitations, had introduced a greater latitude, both in the proof and definition of the crime. It was not required that the two witneſſes ſhould teſtify the ſame preciſe overt act: It was ſufficient, that they both teſtified ſome overt act of the ſame treaſon; and though this evaſion may ſeem a ſubtilty, it had long prevailed in the courts of judicature, and had at laſt been ſolemnly fixed by parliament at the trial of lord Stafford. The lawyers had uſed the ſame freedom with the law of Edward III. They had obſerved, that, by that ſtatute, if a man ſhould enter into a conſpiracy for a rebellion, ſhould even fix a correſpondence with foreign powers for that purpoſe, ſhould provide arms and money, yet, if he were detected and no rebellion enſued, he could not be tried for treaſon. To prevent this inconvenience, which it had been better to remedy

CHAP. LXIX.

1683.

remedy by a new law, they had commonly laid their indictment for intending the death of the king, and had produced the intention of rebellion as a proof of that other intention. But though this form of indictment and trial was very frequent, and many criminals had received ſentence upon it, it was ſtill conſidered as ſomewhat irregular, and was plainly confounding, by a ſophiſm, two ſpecies of treaſon, which the ſtatute had accurately diſtinguiſhed. What made this refinement ſtill more exceptionable, was, that a law had paſſed ſoon after the reſtoration; in which the conſulting or the intending of a rebellion was, during Charles's lifetime, declared treaſon; and it was required, that the proſecution ſhould be commenced within ſix months after the crime was committed. But notwithſtanding this ſtatute, the lawyers had perſevered, as they ſtill do perſevere, in the old form of indictment; and both Sir Harry Vane, and Oliver Plunket, titular primate of Ireland, had been tried by it. Such was the general horror, entertained againſt the old republicans and the popiſh conſpirators, that no one had murmured againſt this interpretation of the ſtatute; and the lawyers thought that they might follow the precedent, even in the caſe of the popular and beloved lord Ruſſel. Ruſſel's crime fell plainly within the ſtatute of Charles the IId; but the facts ſworn to by Rumſey and Shephard were beyond the ſix months required by law, and to the other facts Howard was a ſingle witneſs. To make the indictment, therefore, more extenſive, the intention of murdering the king was comprehended in it; and for proof of this intention the conſpiracy for raiſing a rebellion was aſſigned; and what ſeemed to bring the matter ſtill nearer, the deſign of attacking the king's guards.

RUSSEL perceived this irregularity, and deſired to have the point argued by counſel: The chief juſtice told him, that this favour could not be granted, unleſs he previouſly

CHAP. LXIX. 1683.

ouſly confeſſed the facts charged upon him. The artificial confounding of the two ſpecies of treaſon, though a practice ſupported by many precedents, is the chief, but not the only hardſhip, of which Ruſſel had reaſon to complain on his trial. His defence was feeble; and he contented himſelf with proteſting, that he never had entertained any deſign againſt the life of the king: His veracity would not allow him to deny the conſpiracy for an inſurrection. The jury were men of fair and reputable characters, but zealous royaliſts: After a ſhort deliberation, they brought in the priſoner guilty.

APPLICATIONS were made to the king for a pardon: Even money, to the amount of a hundred thouſand pounds, was offered to the dutcheſs of Portſmouth by the old earl of Bedford, father to Ruſſel. The king was inexorable. He had been extremely haraſſed with the violence of the country party; and he had obſerved, that the priſoner, beſides his ſecret deſigns, had always been carried to the higheſt extremity of oppoſition in parliament. Ruſſel had even adopted a ſentiment, ſimilar to what we meet with in a letter of the younger Brutus. Had his father, he ſaid, adviſed the king to reject the excluſion-bill, he would be the firſt to move for a parliamentary impeachment againſt him. When ſuch determined reſolution was obſerved, his popularity, his humanity, his juſtice, his very virtues became ſo many crimes, and were uſed as arguments againſt ſparing him. Charles therefore would go no farther than remitting the more ignominious part of the ſentence, which the law requires to be pronounced againſt traitors. "Lord Ruſſel," ſaid he, "ſhall find, that I am poſſeſſed of that prerogative, "which, in the caſe of Lord Stafford, he thought proper "to deny me." As the fury of the country party had rendered it impoſſible for the king, without the imminent danger of his crown, to pardon ſo many catholics, whom

CHAP. LXX. 1683.

he firmly believed innocent, and even affectionate and loyal to him; he probably thought, that, ſince the edge of the law was now ready to fall upon that party themſelves, they could not reaſonably expect, that he would interpoſe to ſave them.

RUSSEL's conſort, a woman of virtue, daughter and heir of the good earl of Southampton, threw herſelf at the king's feet, and pleaded with many tears the merits and loyalty of her father, as an atonement for thoſe errors, into which honeſt, however miſtaken, principles had ſeduced her huſband. Theſe ſupplications were the laſt inſtance of female weakneſs (if they deſerve the name) which ſhe betrayed. Finding all applications vain, ſhe collected courage, and not only fortified herſelf againſt the fatal blow, but endeavoured by her example to ſtrengthen the reſolution of her unfortunate lord. With a tender and decent compoſure they took leave of each other on the day of his execution. "The bitterneſs of "death is now paſt," ſaid he, when he turned from her. Lord Cavendiſh had lived in the cloſeſt intimacy with Ruſſel, and deſerted not his friend in the preſent calamity. He offered to manage his eſcape, by changing cloaths with him, and remaining at all hazards in his place. Ruſſel refuſed to ſave his own life, by an expedient which might expoſe his friend to ſo many hardſhips. When the duke of Monmouth by meſſage offered to ſurrender himſelf, if Ruſſel thought that this meaſure would any wiſe contribute to his ſafety; "It will be no advan-"tage to me," he ſaid, "to have my friends die with "me." Some of his expreſſions diſcover, not only compoſure, but good humour in this melancholy extremity. The day before his execution he was ſeized with a bleeding at the noſe. "I ſhall not now let blood to divert "this diſtemper," ſaid he to doctor Burnet who attended him, "that will be done to-morrow." A little before the

the ſheriffs conducted him to the ſcaffold, he wound up his watch, "Now I have done," ſaid he, "with time, "and henceforth muſt think ſolely of eternity." CHAP. LXIX. 1683.

THE ſcaffold was erected in Lincoln's Inn Fields, a place diſtant from the Tower; and it was probably intended, by conducting Ruſſel through ſo many ſtreets, to ſhow the mutinous city their beloved leader, once the object of all their confidence, now expoſed to the utmoſt rigours of the law. As he was the moſt popular among his own party; ſo was he ever the leaſt obnoxious to the oppoſite faction: And his melancholy fate united every heart, ſenſible of humanity, in a tender compaſſion for him. Without the leaſt change of countenance, he laid his head on the block; and at two ſtrokes, it was ſevered from his body. 21ſt July. and execution.

IN the ſpeech, which he delivered to the ſheriffs, he was very anxious to clear his memory from any imputation of ever intending the king's death, or any alteration in the government: He could not explicitly confeſs the projected inſurrection without hurting his friends, who might ſtill be called in queſtion for it; but he did not purge himſelf of that deſign, which, in the preſent condition of the nation, he regarded as no crime. By many paſſages in his ſpeech he ſeems to the laſt to have lain under the influence of party zeal; a paſſion, which, being nouriſhed by a ſocial temper, and clothing itſelf under the appearance of principle, it is almoſt impoſſible for a virtuous man, who has acted in public life, ever thoroughly to eradicate. He profeſſed his entire belief in the popiſh plot: And he ſaid, that, though he had often heard the ſeizure of the guards mentioned, he had ever diſapproved of that attempt. To which he added, that the maſſacring of ſo many innocent men in cool blood was ſo like a popiſh practice, that he could not but abhor it. Upon the whole, the integrity and virtuous in-

CHAP. LXIX.

1683.

tentions, rather than the capacity, of this unfortunate nobleman, ſeem to have been the ſhining parts of his character.

Trial of Algernon Sidney.

ALGERNON SIDNEY was next brought to his trial. This gallant perſon, ſon of the earl of Leiceſter, had entered deeply into the war againſt the late king; and though nowiſe tainted with enthuſiaſm, he had ſo far ſhared in all the counſels of the independent republican party, as to have been named on the high court of juſtice, which tried and condemned that monarch: He thought not proper, however, to take his ſeat among the judges. He ever oppoſed Cromwel's uſurpation with zeal and courage; and after making all efforts againſt the reſtoration, he reſolved to take no benefit of the general indemnity, but choſe voluntary baniſhment, rather than ſubmit to a government and family which he abhorred. As long as the republican party had any exiſtence, he was active in every ſcheme, however unpromiſing, which tended to promote their cauſe: But at length, in 1677, finding it neceſſary for his private affairs to return to England, he had applied for the king's pardon, and had obtained it. When the factions, ariſing from the popiſh plot, began to run high, Sidney, full of thoſe ideas of liberty, which he had imbibed from the great examples of antiquity, joined the popular party; and was even willing to ſeek a ſecond time, through all the horrors of civil war, for his adored republic.

FROM this imperfect ſketch of the character and conduct of this ſingular perſonage, it may eaſily be conceived how obnoxious he was become to the court and miniſtry: What alone renders them blameable was the illegal method which they took for effecting their purpoſe againſt him. On Sidney's trial they produced a great number of witneſſes, who proved the reality of a plot in general; and when the priſoner exclaimed, that

all theſe evidences ſaid nothing of him, he was anſwered, that this method of proceeding, however irregular, had been practiſed in the proſecutions of the popiſh conſpirators: a topic more fit to condemn one party than to juſtify the other. The only witneſs who depoſed againſt Sidney, was lord Howard; but as the law required two witneſſes, a ſtrange expedient was fallen on to ſupply this deficiency. In ranſacking the priſoner's cloſet, ſome diſcourſes on government were found; in which he had maintained principles, favourable indeed to liberty, but ſuch as the beſt and moſt dutiful ſubjects in all ages have been known to embrace; the original contract, the ſource of power from a conſent of the people, the lawfulneſs of reſiſting tyrants, the preference of liberty to the government of a ſingle perſon. Theſe papers were aſſerted to be equivalent to a ſecond witneſs, and even to many witneſſes. The priſoner replied, that there was no other reaſon for aſcribing theſe papers to him as the author, beſides a ſimilitude of hand; a proof which was never admitted in criminal proſecutions: That allowing him to be the author, he had compoſed them ſolely for his private amuſement, and had never publiſhed them to the world, or even communicated them to any ſingle perſon: That, when examined, they appeared, by the colour of the ink, to have been written many years before, and were in vain produced as evidence of a preſent conſpiracy againſt the government: And that where the law poſitively requires two witneſſes, one witneſs, attended with the moſt convincing circumſtances, could never ſuffice; much leſs, when ſupported by a circumſtance ſo weak and precarious. All theſe arguments, though urged by the priſoner with great courage and pregnancy of reaſon, had no influence. The violent and inhuman Jefferies was now chief juſtice; and by his direction a partial jury was eaſily prevailed on to give verdict againſt Sidney.

CHAP. LXIX. 1683.

CHAP. LXIX.

1683. 17th Dec. His execution.

His execution followed a few days after: He complained, and with reaſon, of the iniquity of the ſentence; but he had too much greatneſs of mind to deny thoſe conſpiracies with Monmouth and Ruſſel, in which he had been engaged. He rather gloried, that he now ſuffered for that *good old cauſe*, in which, from his earlieſt youth, he ſaid, he had inliſted himſelf.

THE execution of Sidney is regarded as one of the greateſt blemiſhes of the preſent reign. The evidence againſt him, it muſt be confeſſed, was not legal; and the jury, who condemned him, were, for that reaſon, very blameable. But that after ſentence paſſed by a court of judicature, the king ſhould interpoſe and pardon a man, who, though otherwiſe poſſeſſed of merit, was undoubtedly guilty, who had ever been a moſt inflexible and moſt inveterate enemy to the royal family, and who lately had even abuſed the king's clemency, might be an act of heroic generoſity, but can never be regarded as a neceſſary and indiſpenſible duty.

HOWARD was alſo the ſole evidence againſt Hambden; and his teſtimony was not ſupported by any material circumſtance. The crown-lawyers therefore found it in vain to try the priſoner for treaſon: They laid the indictment only for a miſdemeanour, and obtained ſentence againſt him. The fine impoſed was exorbitant; no leſs than forty thouſand pounds.

HOLLOWAY, a merchant of Briſtol, one of the conſpirators, had fled to the Weſt-Indies, and was now brought over. He had been outlawed; but the year allowed him for ſurrendering himſelf, was not expired. A trial was therefore offered him: But as he had at firſt confeſſed his being engaged in a conſpiracy for an inſurrection, and even allowed that he had heard ſome diſcourſe of an aſſaſſination, though he had not approved of it, he thought it more expedient to throw himſelf on the king's mercy.

mercy. He was executed, perſiſting in the ſame confeſſion. CHAP. LXIX.

1683.

SIR THOMAS ARMSTRONG, who had been ſeized in Holland, and ſent over by Chidley, the king's miniſter, was preciſely in the ſame ſituation with Holloway: But the ſame favour, or rather juſtice, was refuſed him. The lawyers pretended, that, unleſs he had voluntarily ſurrendered himſelf before the expiration of the time aſſigned, he could not claim the privilege of a trial; not conſidering that the ſeizure of his perſon ought in equity to be ſuppoſed the accident which prevented him. The king bore a great enmity againſt this gentleman, by whom he believed the duke of Monmouth to have been ſeduced from his duty: He alſo aſſerted, that Armſtrong had once promiſed Cromwel to aſſaſſinate him; though it muſt be confeſſed, that the priſoner juſtified himſelf from this imputation by very ſtrong arguments. Theſe were the reaſons of that injuſtice which was now done him. It was apprehended that ſufficient evidence of his guilt could not be produced; and that even the partial juries, which were now returned, and which allowed themſelves to be entirely directed by Jefferies and other violent judges, would not give ſentence againſt him.

ON the day that Ruſſel was tried, Eſſex, a man eminent both for virtues and abilities, was found in the Tower with his throat cut. The coroner's inqueſt brought in their verdict, *ſelf-murder*: Yet becauſe two children ten years old (one of whom too departed from his evidence) had affirmed that they heard a great noiſe from his window, and that they ſaw a hand throw out a bloody razor; theſe circumſtances were laid hold of, and the murder was aſcribed to the king and the duke, who happened that morning to pay a viſit to the Tower. Eſſex was ſubject to fits of deep melancholy, and had been ſeized with one immediately upon his commitment: He was accuſtomed

CHAP. LXIX. 1683.

to maintain the lawfulneſs of ſuicide: And his counteſs, upon a ſtrict enquiry, which was committed to the care of Dr. Burnet, found no reaſon to confirm the ſuſpicion: Yet could not all theſe circumſtances, joined to many others, entirely remove the imputation. It is no wonder, that faction is ſo productive of vices of all kinds: For, beſides that it inflames all the paſſions, it tends much to remove thoſe great reſtraints, honour and ſhame; when men find, that no iniquity can loſe them the applauſe of their own party, and no innocence ſecure them againſt the calumnies of the oppoſite.

BUT though there is no reaſon to think, that Eſſex had been murdered by any orders from court, it muſt be acknowledged that an unjuſtifiable uſe in Ruſſel's trial was made of that incident. The king's counſel mentioned it in their pleadings as a ſtrong proof of the conſpiracy; and it is ſaid to have had great weight with the jury. It was inſiſted on in Sidney's trial for the ſame purpoſe.

State of the nation.

SOME memorable cauſes, tried about this time, though they have no relation to the Rye-houſe conſpiracy, ſhow the temper of the bench and of the juries. Oates was convicted of having called the duke a popiſh traitor; was condemned in damages to the amount of one hundred thouſand pounds; and was adjudged to remain in priſon till he ſhould make payment A like ſentence was paſſed upon Dutton-Colt for a like offence. Sir Samuel Barnardiſton was fined ten thouſand pounds; becauſe in ſome private letters which had been intercepted, he had reflected on the government. This gentleman was obnoxious, becauſe he had been foreman of that jury which rejected the bill againſt Shaftesbury. A pretence was therefore fallen upon for puniſhing him; though ſuch a precedent may juſtly be deemed a very unuſual act of ſeverity, and ſufficient to deſtroy all confidence in private friendſhip and correſpondence.

THERE

CHAP. LXIX.

1683.

THERE is another remarkable trial, which ſhows the diſpoſition of the courts of judicature, and which, though it paſſed in the enſuing year, it may not be improper to relate in this place. One Roſewel, a preſbyterian preacher, was accuſed by three women of having ſpoken treaſonable words in a ſermon. They ſwore to two or three periods, and agreed ſo exactly together, that there was not the ſmalleſt variation in their depoſitions. Roſewel on the other hand made a very good defence. He proved, that the witneſſes were lewd and infamous perſons. He proved, that, even during Cromwel's uſurpations, he had always been a royaliſt; that he prayed conſtantly for the king in his family; and that in his ſermons he often inculcated the obligations of loyalty. And as to the ſermon of which he was accuſed, ſeveral witneſſes, who heard it, and ſome who wrote it in ſhort hand, depoſed that he had uſed no ſuch expreſſions as thoſe which were imputed to him. He offered his own notes as a farther proof. The women could not ſhow, by any circumſtance or witneſs, that they were at his meeting. And the expreſſions, to which they depoſed, were ſo groſs, that no man in his ſenſes could be ſuppoſed to employ them before a mixt audience. It was alſo urged, that it appeared next to impoſſible for three women to remember ſo long a period upon one ſingle hearing, and to remember it ſo exactly, as to agree to a tittle in their depoſitions with regard to it. The priſoner offered to put the whole upon this iſſue: He would pronounce, with his uſual tone of voice, a period as long as that to which they had ſworn; and then let them try to repeat it, if they could. What was more unaccountable, they had forgotten even the text of his ſermon; nor did they remember any ſingle paſſage, but the words to which they gave evidence. After ſo ſtrong a defence, the ſolicitor general thought not proper to make any

CHAP. LXIX.

1683.

any reply: Even Jefferies went no farther than ſome general declamations againſt conventicles and preſbyterians: Yet ſo violent were party-prejudices, that the jury gave a verdict againſt the priſoner; which however appeared ſo palpably unjuſt, that it was not carried into execution.

THE duke of Monmouth had abſconded on the firſt diſcovery of the conſpiracy; and the court could get no intelligence of him. At length, Halifax, who began to apprehend the too great prevalence of the royal party, and who thought, that Monmouth's intereſt would prove the beſt counterpoize to the duke's, diſcovered his retreat and prevailed on him to write two letters to the king, full of the tendereſt and moſt ſubmiſſive expreſſions. The king's fondneſs was revived; and he permitted Monmouth to come to court. He even endeavoured to mediate a reconciliation between his ſon and his brother; and having promiſed Monmouth, that his teſtimony ſhould never be employed againſt any of his friends, he engaged him to give a full account of the plot. But, in order to put the country party to ſilence, he called next day an extraordinary council, and informed them, that Monmouth had ſhowed great penitence for the ſhare which he had had in the late conſpiracy, and had expreſſed his reſolutions never more to engage in ſuch criminal enterprizes. He went ſo far as to give orders, that a paragraph to the like purpoſe ſhould be inſerted in the Gazette. Monmouth kept ſilence till he had obtained his pardon in form: But finding, that, by taking this ſtep, he was entirely diſgraced with his party, and that, even though he ſhould not be produced in court as an evidence, his teſtimony, being ſo publicly known, might have weight with juries on any future trial, he reſolved at all hazards to retrieve his honour. His emiſſaries, therefore, received orders to deny, that he had ever made any ſuch confeſſion as that which

which was imputed to him; and the party exclaimed, that the whole was an impoſture of the court. The king, provoked at this conduct, baniſhed Monmouth his preſence, and afterwards ordered him to depart the kingdom. CHAP. LXIX. 1683.

THE court was aware, that the malcontents in England had held a correſpondence with thoſe of Scotland; and that Baillie of Jerviſwood, a man of merit and learning, with two gentlemen of the name of Campbel, had come to London, under pretence of negociating the ſettlement of the Scottiſh preſbyterians in Carolina, but really with a view of concerting meaſures with the Engliſh conſpirators. Baillie was ſent priſoner to Edinburgh; but as no evidence appeared againſt him, the council required him to ſwear, that he would anſwer all queſtions which ſhould be propounded to him. He refuſed to ſubmit to ſo iniquitous a condition; and a fine of ſix thouſand pounds was impoſed upon him. At length, two perſons, Spence and Carſtares, being put to the torture, gave evidence which involved the earl of Tarras and ſome others, who, in order to ſave themſelves, were reduced to accuſe Baillie. He was brought to trial; and being in ſo languiſhing a condition from the treatment which he had met with in priſon, that it was feared he would not ſurvive that night, he was ordered to be executed the very afternoon on which he received ſentence.

THE ſeverities, exerciſed during this part of the preſent reign, were much contrary to the uſual tenor of the king's conduct; and though thoſe who ſtudied his character more narrowly, have pronounced, that towards great offences he was rigid and inexorable, the nation were more inclined to aſcribe every unjuſt or hard meaſure to the prevalence of the duke, into whoſe hands the king had, from indolence, not from any opinion of his bro-

CHAP. LXIX.

ther's ſuperior capacity, reſigned the reins of government. The crown indeed gained great advantage from the detection of the conſpiracy, and loſt none by the rigorous execution of the conſpirators: The horror entertained againſt the aſſaſſination-plot, which was generally confounded with the project for an inſurrection, rendered the whole party unpopular, and reconciled the nation to the meaſures of the court. The moſt loyal addreſſes came from all parts; and the doctrine of ſubmiſſion to the civil magiſtrate, and even of an unlimited paſſive obedience, became the reigning principle of the times. The univerſity of Oxford paſſed a ſolemn decree, condemning ſome doctrines, which they termed republican, but which indeed are, moſt of them, the only tenets on which liberty and a limited conſtitution can be founded. The faction of the excluſioniſts, lately ſo numerous, powerful, and zealous, were at the king's feet; and were as much fallen in their ſpirit as in their credit with the nation. Nothing that had the leaſt appearance of oppoſition to the court, could be hearkened to by the public [a].

1683.

1684. THE king endeavoured to encreaſe his preſent popularity by every art; and knowing, that the ſuſpicion of popery was of all others the moſt dangerous, he judged it proper to marry his niece, the lady Anne, to prince George, brother to the king of Denmark. All the credit, however, and perſuaſion of Halifax, could not engage him to call a parliament, or truſt the nation with the election of a new repreſentative. Though his revenues were

[a] In the month of November this year died Prince Rupert, in the ſixty-third year of his age. He had left his own country ſo early, that he had become an entire Engliſhman, and was even ſuſpected, in his latter days, of a bias to the country party. He was for that reaſon much neglected at court. The duke of Lauderdale died alſo this year.

extremely

extremely burthened, he rather choſe to ſtruggle with the preſent difficulties, than try an experiment, which, by raiſing afreſh ſo many malignant humours, might prove dangerous to his repoſe. The duke likewiſe zealouſly oppoſed this propoſal, and even engaged the king in meaſures, which could have no tendency, but to render any accommodation with a parliament altogether impracticable. Williams, who had been ſpeaker during the two laſt parliaments, was proſecuted for warrants, iſſued by him, in obedience to orders of the houſe: A breach of privilege, which, it ſeemed not likely, any future houſe of commons would leave unqueſtioned. Danby and the popiſh lords, who had ſo long been confined in the Tower, and who ſaw no proſpect of a trial in parliament, applied by petition, and were admitted to bail: A meaſure juſt in itſelf, but deemed a great encroachment on the privileges of that aſſembly. The duke, contrary to law, was reſtored to the office of high admiral, without taking the teſt.

HAD the leaſt grain of jealouſy or emulation been mixed in the king's character; had he been actuated by that concern for his people's or even for his own honour, which his high ſtation demanded, he would have hazarded many domeſtic inconveniencies rather than allow France to domineer in ſo haughty a manner as that which at preſent ſhe aſſumed in every negociation. The peace of Nimeguen, impoſed by the Dutch on their unwilling allies, had disjointed the whole confederacy; and all the powers engaged in it had diſbanded their ſupernumerary troops, which they found it difficult to ſubſiſt. Lewis alone ſtill maintained a powerful army, and by his preparations rendered himſelf every day more formidable. He now acted as if he were the ſole ſovereign in Europe, and as if all other princes were ſoon to become his vaſſals.

State of foreign affairs.

Courts

CHAP. LXIX.

1684.

Courts or chambers were erected in Metz and Briſac, for re-uniting ſuch territories as had ever been members of any part of his new conqueſts. They made enquiry into titles buried in the moſt remote antiquity. They cited the neighbouring princes to appear before them, and iſſued decrees, expelling them the conteſted territories. The important town of Straſbourg, an ancient and a free ſtate, was ſeized by Lewis: Aloſt was demanded of the Spaniards, on a frivolous, and even ridiculous pretence; and upon their refuſal to yield it, Luxembourg was blockaded, and ſoon after taken [t]. Genoa had been bombarded, becauſe the Genoeſe had ſtipulated to build ſome gallies for the Spaniards; and, in order to avoid more ſevere treatment, that republic was obliged to yield to the moſt mortifying conditions. The empire was inſulted in its head and principal members; and uſed no other expedient for redreſs, than impotent complaints and remonſtrances.

SPAIN was ſo enraged at the inſolent treatment which ſhe met with, that, without conſidering her preſent weak condition, ſhe declared war againſt her haughty enemy: She hoped that the other powers of Europe, ſenſible of the common danger, would fly to her aſſiſtance. The prince of Orange, whoſe ruling paſſions were love of war and animoſity againſt France, ſeconded every where the applications of the Spaniards. In the year 1681, he made a journey to England, in order to engage the king into cloſer meaſures with the confederates. He alſo propoſed to the States to make an augmentation of their forces; but ſeveral of the provinces, and even the town of Amſterdam, had been gained by the French, and the

[t] It appears from Sir John Dalrymple's Appendix, that the king received from France a million of livres for his connivance at the ſeizure of Luxembourg, beſide his ordinary penſion.

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CHAP. LXIX.

1684.

propoſal was rejected. The prince's enemies derived the moſt plauſible reaſons of their oppoſition from the ſituation of England, and the known and avowed attachments of the Engliſh monarch.

No ſooner had Charles diſmiſſed his parliament, and embraced the reſolution of governing by prerogative alone, than he dropped his new alliance with Spain, and returned to his former dangerous connections with Lewis. This prince had even offered to make him arbiter of his differences with Spain; and the latter power, ſenſible of Charles's partiality, had refuſed to ſubmit to ſuch a diſadvantageous propoſal. Whether any money was now remitted to England, we do not certainly know: But we may fairly preſume, that the king's neceſſities were in ſome degree relieved by France [u]. And though Charles had reaſon to apprehend the utmoſt danger from the great, and ſtill encreaſing, naval power of that kingdom, joined to the weak condition of the Engliſh fleet, no conſideration was able to rouze him from his preſent lethargy.

[u] The following paſſage is an extract from M. Barillon's letters kept in the *Depot des Affaires etrangeres* at Verſailles. It was lately communicated to the author while in France. Convention verbale arretée le 1 Avril 1681. Charles 2 s'engage a ne rien omettre pour pouvoir faire connoitre à ſa majeſté qu'elle avoit raiſon de prendre confiance en lui; a ſe degager peu à peu de l'alliance avec l'Eſpagne, & a ſe mettre en etat de ne point etre contraint par ſon parlement de faire quelque choſe d'oppoſé aux nouveaux engagemens qu'il prenoit. En conſequence, le roi promet un ſubſide de deux millions la premiere des trois années de cet engagement & 500,000 écus les deux autres, ſe contentant de la parole de ſa majeſté Britannique, d'agir à l'egard de ſa majeſté conformement aux obligations qu'il lui avoit. Le Sr. Hyde demanda que le roi s'engagea a ne point attaquer les pays bas & meme Straſbourg, temoignent que le roi ſon maitre ne pourroit s'empecher de ſecourir les pays bas, quand même ſon parlement ne ſeroit point aſſemblé. M. Barillon lui répondit en termes generaux par ordre du roi, qüa ſa majeſté n'avoit point intention de rompre la paix, & qu'il n'engageroit pas ſa majeſté Britannique en choſe contraires à ſes veritables intérêts.

It

CHAP. LXIX.

1684. It is here we are to fix the point of the higheſt exaltation, which the power of Lewis or that of any European prince, ſince the age of Charlemagne, had ever attained. The monarch, moſt capable of oppoſing his progreſs, was entirely engaged in his intereſts; and the Turks, invited by the malcontents of Hungary, were preparing to invade the emperor, and to diſable that prince from making head againſt the progreſs of the French power. Lewis may even be accuſed of overſight, in not making ſufficient advantage of ſuch favourable opportunities, which he was never afterwards able to recall. But that monarch, though more governed by motives of ambition than by thoſe of juſtice or moderation, was ſtill more actuated by the ſuggeſtions of vanity. He contented himſelf with inſulting and domineering over all the princes and free ſtates of Europe; and he thereby provoked their reſentment without ſubduing their power. While every one, who approached his perſon, and behaved with ſubmiſſion to his authority, was treated with the higheſt politeneſs; all the neighbouring potentates had ſucceſſively felt the effects of his haughty imperious diſpoſition. And by indulging his poets, orators, and courtiers in their flatteries, and in their prognoſtications of univerſal empire, he conveyed faſter, than by the proſpect of his power alone, the apprehenſion of general conqueſt and ſubjection.

1685. The French greatneſs never, during his whole reign, inſpired Charles with any apprehenſions; and Clifford, it is ſaid, one of his moſt favoured miniſters, went ſo far as to affirm, that it were better for the king to be viceroy under a great and generous monarch, than a ſlave to five hundred of his own inſolent ſubjects. The ambition, therefore,

CHAP. LXIX.

1685.

therefore, and uncontrouled power of Lewis were no diminution of Charles's happineſs; and in other reſpects his condition ſeemed at preſent more eligible than it had ever been ſince his reſtoration. A mighty faction, which had ſhaken his throne, and menaced his family, was totally ſubdued; and by their precipitate indiſcretion had expoſed themſelves both to the rigour of the laws and to public hatred. He had recovered his former popularity in the nation; and what probably pleaſed him more than having a compliant parliament, he was enabled to govern altogether without one. But it is certain, that the king, amidſt all theſe promiſing circumſtances, was not happy or ſatisfied. Whether he found himſelf expoſed to difficulties for want of money, or dreaded a recoil of the popular humour from the preſent arbitrary meaſures, is uncertain. Perhaps the violent, imprudent temper of the duke, by puſhing Charles upon dangerous attempts, gave him apprehenſion and uneaſineſs. He was overheard one day to ſay, in oppoſing ſome of the duke's haſty counſels, "Brother, I am too old to go again to my "travels: You may, if you chuſe it." Whatever was the cauſe of the king's diſſatisfaction, it ſeems probable, that he was meditating ſome change of meaſures, and had formed a new plan of adminiſtration. He was determined, it is thought, to ſend the duke to Scotland, to recal Monmouth, to ſummon a parliament, to diſmiſs all his unpopular miniſters, and to throw himſelf entirely on the good will and affections of his ſubjects [x]. Amidſt theſe truly wiſe and virtuous deſigns, he was ſeized with a ſudden fit, which reſembled an apoplexy; and though he was recovered from it by bleeding, he languiſhed only for a few days, and then expired, in the fifty-fifth year

King's ſickneſs, and death, 6th Feb.

[x] King James's Memoirs confirm this rumour, as alſo D'Avaux's Negotiations, 14 Dec. 1684.

CHAP. LXIX.

1685. of his age, and twenty-fifth of his reign. He was ſo happy in a good conſtitution of body, and had ever been ſo remarkably careful of his health, that his death ſtruck as great a ſurprize into his ſubjects, as if he had been in the flower of his youth. And their great concern for him, owing to their affection for his perſon, as well as their dread of his ſucceſſor, very naturally, when joined to the critical time of his death, begat the ſuſpicion of poiſon. All circumſtances however conſidered, this ſuſpicion muſt be allowed to vaniſh; like many others, of which all hiſtories are full.

DURING the few days of the king's illneſs, clergymen of the church of England attended him; but he diſcovered a total indifference towards their devotions and exhortation. Catholic prieſts were brought, and he received the ſacrament from them, accompanied with the other rites of the Romiſh church. Two papers were found in his cabinet, written with his own hand, and containing arguments in favour of that communion. The duke had the imprudence immediately to publiſh theſe papers, and thereby both confirmed all the reproaches of thoſe who had been the greateſt enemies to his brother's meaſures, and afforded to the world a ſpecimen of his own bigotry.

and character.

IF we ſurvey the character of Charles II. in the different lights, which it will admit of, it will appear various, and give riſe to different and even oppoſite ſentiments. When conſidered as a companion, he appears the moſt amiable and engaging of men; and indeed, in this view, his deportment muſt be allowed altogether unexceptionable. His love of raillery was ſo tempered with good breeding, that it was never offenſive: His propenſity to ſatire was ſo checked with diſcretion, that his friends never dreaded their becoming the object of it: His wit,

to

CHAP. LXIX. 1665.

to uſe the expreſſion of one who knew him well, and who was himſelf a good judge [z], could not be ſaid ſo much to be very refined or elevated, qualities apt to beget jealouſy and apprehenſion in company, as to be a plain, gaining, well-bred, recommending kind of wit. And though perhaps he talked more than ſtrict rules of behaviour might permit, men were ſo pleaſed with the affable, communicative deportment of the monarch, that they always went away contented both with him and with themſelves. This indeed is the moſt ſhining part of the king's character; and he ſeems to have been ſenſible of it: For he was fond of dropping the formality of ſtate, and of relapſing every moment into the companion.

In the duties of private life his conduct, though not free from exception, was, in the main, laudable. He was an eaſy, generous lover, a civil obliging huſband, a friendly brother, an indulgent father, and a good-natured maſter [a]. The voluntary friendſhips, however, which this prince contracted, nay, even his ſenſe of gratitude, were feeble; and he never attached himſelf to any of his miniſters or courtiers with a ſincere affection. He believed them to have no motive in ſerving him but ſelf-intereſt; and he was ſtill ready, in his turn, to ſacrifice them to preſent eaſe or convenience.

With a detail of his private character we muſt ſet bounds to our panegyric on Charles. The other parts of his conduct may admit of ſome apology, but can deſerve ſmall applauſe. He was indeed ſo much fitted for private life, preferably to public, that he even poſſeſſed order, frugality, and œconomy in the former: Was profuſe, thoughtleſs, and negligent in the latter. When we conſider him as a ſovereign, his character, though not altogether deſtitute of virtue, was in the main dangerous to

[z] Marqueſs of Halifax. [a] Duke of Buckingham.

CHAP. LXIX. 1685.

his people, and diſhonourable to himſelf. Negligent of the intereſts of the nation, careleſs of its glory, averſe to its religion, jealous of its liberty, laviſh of its treaſure, ſparing only of its blood; he expoſed it by his meaſures, though he ever appeared but in ſport, to the danger of a furious civil war, and even to the ruin and ignominy of a foreign conqueſt. Yet may all theſe enormities, if fairly and candidly examined, be imputed, in a great meaſure, to the indolence of his temper: a fault, which, however unfortunate in a monarch, it is impoſſible for us to regard with great ſeverity.

It has been remarked of Charles, that he never ſaid a fooliſh thing nor ever did a wiſe one: A cenſure, which, though too far carried, ſeems to have ſome foundation in his character and deportment. When the king was informed of this ſaying, he obſerved, that the matter was eaſily accounted for: For that his diſcourſe was his own, his actions were the miniſtry's.

If we reflect on the appetite for power inherent in human nature, and add to it the king's education in foreign countries, and among the cavaliers, a party which would naturally exaggerate the late uſurpations of popular aſſemblies upon the rights of monarchy; it is not ſurprizing, that civil liberty ſhould not find in him a very zealous patron. Haraſſed with domeſtic faction, weary of calumnies and complaints, oppreſſed with debts, ſtraitened in his revenue, he ſought, though with feeble efforts, for a form of government, more ſimple in its ſtructure and more eaſy in its management. But his attachment to France, after all the pains, which we have taken, by enquiry and conjecture, to fathom it, contains ſtill ſomething, it muſt be confeſſed, myſterious and inexplicable. The hopes of rendering himſelf abſolute by Lewis's aſſiſtance ſeem ſo chimerical, that they could ſcarcely be retained with ſuch obſtinacy by a prince of Charles's

Charles's penetration: And as to pecuniary ſubſidies, he ſurely ſpent much greater ſums in one ſeaſon, during the ſecond Dutch war, than were remitted him from France during the whole courſe of his reign. I am apt therefore to imagine, that Charles was in this particular guided chiefly by inclination, and by a prepoſſeſſion in favour of the French nation. He conſidered that people as gay, ſprightly, polite, elegant, courteous, devoted to their prince, and attached to the catholic faith; and for theſe reaſons he cordially loved them. The oppoſite character of the Dutch had rendered them the objects of his averſion; and even the uncourtly humours of the Engliſh made him very indifferent towards them. Our notions of intereſt are much warped by our affections; and it is not altogether without example, that a man may be guided by national prejudices, who has ever been little biaſſed by private and perſonal friendſhip. CHAP. LXIX. 1685.

THE character of this prince has been elaborately drawn by two great maſters, perfectly well acquainted with him, the duke of Buckingham and the marqueſs of Halifax; not to mention ſeveral elegant ſtrokes given by Sir William Temple. Dr. Welwood likewiſe and biſhop Burnet have employed their pencil on the ſame ſubject: But the former is ſomewhat partial in his favour; as the latter is by far too harſh and malignant. Inſtead of finding an exact parallel between Charles II. and the emperor Tiberius, as aſſerted by that prelate, it would be more juſt to remark a full contraſt and oppoſition. The emperor ſeems as much to have ſurpaſſed the king in abilities, as he falls ſhort of him in virtue. Provident, wiſe, active, jealous, malignant, dark, ſullen, unſociable, reſerved, cruel, unrelenting, unforgiving; theſe

CHAP. LXIX.

1685.

are the lights under which the Roman tyrant has been tranſmitted to us. And the only circumſtance, in which, it can juſtly be pretended, he was ſimilar to Charles, is his love of women, a paſſion which is too general to form any ſtriking reſemblance, and which that deteſtable and deteſted monſter ſhared alſo with unnatural appetites.

JAMES II.

CHAP. LXX.

King's firſt tranſactions——A parliament——Arguments for and againſt a revenue for life——Oates convicted of perjury——Monmouth's invaſion——His defeat——and execution——Cruelties of Kirke——and of Jefferies——State of affairs in Scotland——Argyle's invaſion——defeat——and execution——A parliament——French perſecutions——The diſpenſing power——State of Ireland——Breach betwixt the king and the church——Court of eccleſiaſtical commiſſion——Sentence againſt the biſhop of London——Suſpenſion of the penal laws——State of Ireland——Embaſſy to Rome——Attempt upon Magdalen College——Impriſonment——trial, and acquittal of the biſhops——Birth of the prince of Wales.

CHAP. LXX.

1685. King's firſt tranſactions.

THE firſt act of James's reign was to aſſemble the privy council; where, after ſome praiſes beſtowed on the memory of his predeceſſor, he made profeſſions of his reſolution to maintain the eſtabliſhed government, both in church and ſtate. Though he had been reported, he ſaid, to have imbibed arbitrary principles, he knew that the laws of England were ſufficient to make him as great a monarch as he could wiſh; and he was determined never to depart from them. And as he had heretofore ventured his life in defence of the nation, he

CHAP. LXX.

would ſtill go as far as any man in maintaining all its juſt rights and liberties.

1685.

THIS diſcourſe was received with great applauſe, not only by the council, but by the nation. The king univerſally paſſed for a man of great ſincerity and great honour; and as the current of favour ran at that time for the court, men believed, that his intentions were conformable to his expreſſions. "We have now," it was ſaid, "the word of a king; and a word never yet "broken." Addreſſes came from all quarters, full of duty, nay, of the moſt ſervile adulation. Every one haſtened to pay court to the new monarch [b]: And James had reaſon to think, that, notwithſtanding the violent efforts made by ſo potent a party for his excluſion, no throne in Europe was better eſtabliſhed than that of England.

THE king, however, in the firſt exerciſe of his authority, ſhewed, that either he was not ſincere in his profeſſions of attachment to the laws, or that he had entertained ſo lofty an idea of his own legal power, that even his utmoſt ſincerity would tend very little to ſecure the liberties of the people. All the cuſtoms and the greater part of the exciſe had been ſettled by parliament on the late king during life, and conſequently the grant was now expired; nor had the ſucceſſor any right to levy theſe branches of revenue. But James iſſued a proclamation, ordering the cuſtoms and exciſe to be paid as before; and this exertion of power he would not deign to qualify by the leaſt act or even appearance of condeſcen-

[b] The quakers addreſs was eſteemed ſomewhat ſingular for its plainneſs and ſimplicity. It was conceived in theſe terms: "We are come to teſtify "our ſorrow for the death of our good friend Charles, and our joy for thy "being made our governor. We are told thou art not of the perſuaſion of "the church of England, no more than we: Wherefore we hope thou wilt "grant us the ſame liberty which thou alloweſt thyſelf. Which doing, "we wiſh thee all manner of happineſs."

ſion.

CHAP. LXX. 1685.

ſion. It was propoſed to him, that, in order to prevent the ill effects of any intermiſſion in levying theſe duties, entries ſhould be made, and bonds for the ſums be taken from the merchants and brewers: But the payment be ſuſpended till the parliament ſhould give authority to receive it. This precaution was recommended as an expreſſion of deference to that aſſembly, or rather to the laws: But for that very reaſon, probably, it was rejected by the king, who thought, that the commons would thence be invited to aſſume more authority, and would regard the whole revenue, and conſequently the whole power, of the crown, as dependent on their good will and pleaſure.

THE king likewiſe went openly, and with all the enſigns of his dignity, to maſs, an illegal meeting: And by this imprudence he diſplayed at once his arbitrary diſpoſition, and the bigotry of his principles: Theſe two great characteriſtics of his reign, and bane of his adminiſtration. He even ſent Caryl, as his agent, to Rome, in order to make ſubmiſſions to the pope, and to pave the way for a ſolemn re-admiſſion of England into the boſom of the catholic church. The pope, Innocent the XIth, prudently adviſed the king not to be too precipitate in his meaſures, nor raſhly attempt what repeated experience might convince him was impracticable. The Spaniſh ambaſſador, Ronquillo, deeming the tranquillity of England neceſſary for the ſupport of Spain, uſed the freedom to make like remonſtrances. He obſerved to the king, how buſy the prieſts appeared at court, and adviſed him not to aſſent with too great facility to their dangerous counſels. "Is it not the cuſtom in Spain," ſaid James, "for the king to conſult with his confeſſor?" "Yes," replied the ambaſſador, "and it is for that very reaſon "our affairs ſucceed ſo ill."

JAMES gave hopes on his acceſſion, that he would hold the balance of power more ſteadily than his predeceſſor;

CHAP. LXX.

1685.

and that France, inſtead of rendering England ſubſervient to her ambitious projects, would now meet with ſtrong oppoſition from that kingdom. Beſides applying himſelf to buſineſs with induſtry, he ſeemed jealous of national honour, and expreſſed great care, that no more reſpect ſhould be paid to the French ambaſſador at London than his own received at Paris. But theſe appearances were not ſufficiently ſupported, and he found himſelf immediately under the neceſſity of falling into a union with that great monarch, who, by his power as well as his zeal, ſeemed alone able to aſſiſt him in the projects formed for promoting the catholic religion in England.

NOTWITHSTANDING the king's prejudices, all the chief offices of the crown continued ſtill in the hands of proteſtants. Rocheſter was treaſurer; his brother Clarendon chamberlain; Godolphin chamberlain to the queen; Sunderland ſecretary of ſtate; Halifax preſident of the council. This nobleman had ſtood in oppoſition to James during the laſt years of his brother's reign; and when he attempted, on the acceſſion, to make ſome apology for his late meaſures, the king told him, that he would forget every thing paſt, except his behaviour during the bill of excluſion. On other occaſions, however, James appeared not of ſo forgiving a temper. When the principal excluſioniſts came to pay their reſpects to the new ſovereign, they either were not admitted, or were received very coldly, ſometimes even with frowns. This conduct might ſuit the character, which the king ſo much affected, of ſincerity: But by ſhowing, that a king of England could reſent the quarrels of a duke of York, he gave his people no high idea either of his lenity or magnanimity.

ON all occaſions, the king was open in declaring, that men muſt now look for a more active and more vigilant

vigilant government, and that he would retain no miniſ- CHAP. LXX.
ters, who did not practiſe an unreſerved obedience to his commands. We are not indeed to look for the ſprings of 1685.
his adminiſtration ſo much in his council and chief officers of ſtate, as in his own temper, and in the character of thoſe perſons, with whom he ſecretly conſulted. The queen had great influence over him; a woman of ſpirit, whoſe conduct had been popular till ſhe arrived at that high dignity. She was much governed by the prieſts, eſpecially the jeſuits; and as theſe were alſo the king's favourites, all public meaſures were taken originally from the ſuggeſtions of theſe men, and bore evident marks of their ignorance in government, and of the violence of their religious zeal.

THE king however had another attachment, ſeemingly not very conſiſtent with this devoted regard to his queen and to his prieſts: It was to Mrs. Sedley, whom he ſoon after created counteſs of Dorcheſter, and who expected to govern him with the ſame authority which the dutcheſs of Portſmouth had poſſeſſed during the former reign. But James, who had entertained the ambition of converting his people, was told, that the regularity of his life ought to correſpond to the ſanctity of his intentions; and he was prevailed with to remove Mrs. Sedley from court: A reſolution in which he had not the courage to perſevere. Good agreement between the miſtreſs and the confeſſor of princes is not commonly a difficult matter to compaſs: But in the preſent caſe theſe two potent engines of command were found very incompatible. Mrs. Sedley, who poſſeſſed all the wit and ingenuity of her father, Sir Charles, made the prieſts and their counſels the perpetual object of her raillery; and it is not to be doubted, but they, on their part, redoubled their exhortations with their penitent to break off ſo criminal an attachment.

How

CHAP. LXX.

1685. How little inclination ſoever the king, as well as his queen and prieſts, might bear to an Engliſh parliament, it was abſolutely neceſſary, at the beginning of the reign, to ſummon that aſſembly. The low condition, to which the whigs or country party had fallen during the laſt years of Charles's reign, the odium under which they laboured on account of the Rye-houſe conſpiracy; theſe cauſes made that party meet with little ſucceſs in the elections. The general reſignation too of the charters had made the corporations extremely dependent; and the recommendations of the court, though little aſſiſted, at that time, by pecuniary influence, were become very prevalent. The new houſe of commons, therefore, conſiſted almoſt entirely of zealous tories and churchmen; and were of conſequence ſtrongly biaſſed, by their affections, in favour of the meaſures of the crown.

A parliament.

29th of May. THE diſcourſe which the king made to the parliament, was more fitted to work on their fears than their affections. He repeated indeed, and with great ſolemnity, the promiſe which he had made before the privy-council, of governing according to the laws, and of preſerving the eſtabliſhed religion: But at the ſame time he told them, that he poſitively expected they would ſettle his revenue, and during life too, as in the time of his brother. "I might uſe many arguments," ſaid he, "to inforce this demand; the benefit of trade, the ſupport of the navy, the neceſſities of the crown, and the well-being of the government itſelf, which I muſt not ſuffer to be precarious: But I am confident, that your own conſideration and your ſenſe of what is juſt and reaſonable, will ſuggeſt to you whatever on this occaſion might be enlarged upon. There is indeed one popular argument," added he, "which may be urged againſt compliance with my demand: Men may think, that by feeding me from time to time with ſuch

"ſupplies

" ſupplies as they think convenient, they will better ſe- CHAP. LXX.
" cure frequent meetings of parliament: But as this is
" the firſt time I ſpeak to you from the throne, I muſt 1685.
" plainly tell you, that ſuch an expedient would be very
" improper to employ with me, and that the beſt way
" to engage me to meet you often, is always to uſe me
" well."

It was eaſy to interpret this language of the king's. He plainly intimated, that he had reſources in his prerogative for ſupporting the government, independent of their ſupplies; and that ſo long as they complied with his demands, he would have recourſe to them; but that any ill uſage on their part would ſet him free from thoſe meaſures of government, which he ſeemed to regard more as voluntary than as neceſſary. It muſt be confeſſed, that no parliament in England was ever placed in a more critical ſituation, nor where more forcible arguments could be urged, either for their oppoſition to the court, or their compliance with it.

Reaſons for and againſt a revenue during life.

It was ſaid on the one hand, that jealouſy of royal power was the very baſis of the Engliſh conſtitution, and the principle to which the nation was beholden for all that liberty which they enjoy above the ſubjects of other monarchies. That this jealouſy, though, at different periods, it may be more or leſs intenſe, can never ſafely be laid aſleep, even under the beſt and wiſeſt princes. That the character of the preſent ſovereign afforded cauſe for the higheſt vigilance, by reaſon of the arbitrary principles which he had imbibed; and ſtill more, by reaſon of his religious zeal, which it is impoſſible for him ever to gratify, without aſſuming more authority than the conſtitution allows him. That power is to be watched in its very firſt encroachments; nor is any thing ever gained by timidity and ſubmiſſion. That every conceſſion adds new force to uſurpation; and at the ſame time,

by

CHAP. LXX. 1685.

by diſcovering the daſtardly diſpoſitions of the people, inſpires it with new courage and enterprize. That as arms were intruſted altogether in the hands of the prince, no check remained upon him but the dependent condition of his revenue; a ſecurity therefore which it would be the moſt egregious folly to abandon. That all the other barriers, which, of late years, had been erected againſt arbitrary power, would be found, without this capital article, to be rather pernicious and deſtructive. That new limitations in the conſtitution ſtimulated the monarch's inclination to ſurmount the laws, and required frequent meetings of parliament, in order to repair all the breaches, which either time or violence may have made upon that complicated fabric. That recent experience during the reign of the late king, a prince who wanted neither prudence nor moderation, had ſufficiently proved the ſolidity of all theſe maxims. That his parliament, having raſhly fixed his revenue for life, and at the ſame time repealed the triennal bill, found that they themſelves were no longer of importance, and that liberty, not protected by national aſſemblies, was expoſed to every outrage and violation. And that the more openly the king made an unreaſonable demand, the more obſtinately ought it to be refuſed; ſince it is evident, that his purpoſe in making it cannot poſſibly be juſtifiable.

On the other hand it was urged, that the rule of watching the very firſt encroachments of power could only have place, where the oppoſition to it could be regular, peaceful, and legal. That though the refuſal of the king's preſent demand might ſeem of this nature, yet in reality it involved conſequences, which led much farther than at firſt ſight might be apprehended. That the king in his ſpeech had intimated, that he had reſources in his prerogative, which, in caſe of oppoſition from parliament, he thought himſelf fully entitled to employ. That if the

the parliament openly diſcovered an intention of reducing him to dependance, matters muſt preſently be brought to a criſis, at a time the moſt favourable to his cauſe, which his moſt ſanguine wiſhes could ever have promiſed him. That if we caſt our eyes abroad, to the ſtate of affairs on the continent, and to the ſituation of Scotland and Ireland; or, what is of more importance, if we conſider the diſpoſition of men's minds at home, every circumſtance would be found adverſe to the cauſe of liberty. That the country party, during the late reign, by their violent, and in many reſpects unjuſtifiable meaſures in parliament, by their deſperate attempts out of parliament, had expoſed their principles to general hatred, and had excited extreme jealouſy in all the royaliſts and zealous churchmen, who now formed the bulk of the nation. That it would not be acceptable to that party to ſee this king worſe treated than his brother in point of revenue, or any attempts made to keep the crown in dependance. That they thought parliaments as liable to abuſe as courts, and deſired not to ſee things in a ſituation, where the king could not, if he found it neceſſary, either prorogue or diſſolve thoſe aſſemblies. That if the preſent parliament, by making great conceſſions, could gain the king's confidence, and engage him to obſerve the promiſes now given them, every thing would by gentle methods ſucceed to their wiſhes. That if, on the contrary, after ſuch inſtances of compliance, he formed any deſigns on the liberty and religion of the nation, he would, in the eyes of all mankind, render himſelf altogether inexcuſable, and the whole people would join in oppoſition to him. That reſiſtance could ſcarcely be attempted twice; and there was therefore the greater neceſſity for waiting till time and incidents had fully prepared the nation for it. That the king's prejudices in favour of popery, though in the main pernicious, were

CHAP. LXX. 1685.

CHAP. LXX. 1685.

were yet so far fortunate, that they rendered the connexion inseparable between the national religion and national liberty. And that if any illegal attempts were afterwards made, the church, which was at present the chief support of the crown, would surely catch the alarm, and would soon dispose the people to an effectual resistance.

These last reasons, enforced by the prejudices of party, prevailed in parliament; and the commons, besides giving thanks for the king's speech, voted unanimously, that they would settle on his present majesty during life, all the revenue enjoyed by the late king at the time of his demise. That they might not detract from this generosity by any symptoms of distrust, they also voted unanimously, that the house entirely relied on his majesty's royal word and repeated declarations to support the religion of the church of England; but they added, that that religion was dearer to them than their lives. The speaker, in presenting the revenue-bill, took care to inform the king of their vote with regard to religion; but could not, by so signal a proof of confidence, extort from him one word in favour of that religion, on which, he told his majesty, they set so high a value. Notwithstanding the grounds of suspicion, which this silence afforded, the house continued in the same liberal disposition. The king having demanded a further supply for the navy and other purposes, they revived those duties on wines and vinegar, which had once been enjoyed by the late king; and they added some impositions on tobacco and sugar. This grant amounted on the whole to about six hundred thousand pounds a year.

The house of lords were in a humour no less compliant. They even went some lengths towards breaking in pieces all the remains of the popish plot; that once formidable engine of bigotry and faction.

A little

CHAP. LXX.

1685. Oates convicted of perjury.

A LITTLE before the meeting of parliament, Oates had been tried for perjury on two indictments. One for depoſing that he was preſent at a conſult of jeſuits in London the twenty-fourth of April 1679: Another for depoſing that father Ireland was in London between the eighth and twelfth of Auguſt, and in the beginning of September in the ſame year. Never criminal was convicted on fuller and more undoubted evidence. Two and twenty perſons, who had been ſtudents at St. Omers, moſt of them men of credit and family, gave evidence, that Oates had entered into that ſeminary about Chriſtmas in the year 1678, and had never been abſent but one night, till the month of July following. Forty-ſeven witneſſes, perſons alſo of untainted character, depoſed, that father Ireland, on the third of Auguſt 1679, had gone to Staffordſhire, where he reſided till the middle of September; and, what ſome years before would have been regarded as a very material circumſtance, nine of theſe witneſſes were proteſtants, of the church of England. Oates's ſentence was, to be fined a thouſand marks on each indictment, to be whipped on two different days from Aldgate to Newgate, and from Newgate to Tyburn, to be impriſoned during life, and to be pilloried five times every year. The impudence of the man ſupported itſelf under the conviction, and his courage under the puniſhment. He made ſolemn appeals to Heaven, and proteſtations of the veracity of his teſtimony: Though the whipping was ſo cruel, that it was evidently the intention of the court to put him to death by that puniſhment, he was enabled, by the care of his friends, to recover: And he lived to king William's reign; when a penſion of four hundred pounds a year was ſettled on him. A conſiderable number ſtill adhered to him in his diſtreſſes, and regarded him as the martyr of the proteſtant cauſe. The populace were affected with the

CHAP. LXX.

1685.

ſight of a puniſhment, more ſevere than is commonly inflicted in England. And the ſentence of perpetual imprifonment was deemed illegal.

THE conviction of Oates's perjury was taken notice of by the houſe of peers. Beſides freeing the popiſh lords, Powis, Arundel, Bellaſis, and Tyrone, together with Danby, from the former impeachment by the commons, they went ſo far as to vote a reverſal of Stafford's attainder, on account of the falſehood of that evidence on which he had been condemned. This bill fixed ſo deep a reproach on the former proceedings of the excluſioniſts, that it met with great oppoſition among the lords; and it was at laſt, after one reading, dropped by the commons. Though the reparation of injuſtice be the ſecond honour which a nation can attain; the preſent emergence ſeemed very improper for granting ſo full a juſtification to the catholics, and throwing ſo foul a ſtain on the proteſtants.

Monmouth's invaſion.

THE courſe of parliamentary proceedings was interrupted by the news of Monmouth's arrival in the weſt with three ſhips from Holland. No ſooner was this intelligence conveyed to the parliament, than they voted, that they would adhere to his majeſty with their lives and fortunes. They paſſed a bill of attainder againſt Monmouth; and they granted a ſupply of four hundred thouſand pounds for ſuppreſſing his rebellion. Having thus ſtrengthened the hands of the king, they adjourned themſelves.

MONMOUTH, when ordered to depart the kingdom, during the late reign, had retired to Holland; and as it was well known, that he ſtill enjoyed the favour of his indulgent father, all marks of honour and diſtinction were beſtowed upon him by the prince of Orange. After the acceſſion of James, the prince thought it neceſſary to diſmiſs Monmouth and all his followers; and that illuſtrious fugitive retired to Bruſſels. Finding himſelf ſtill purſued

purſued by the king's ſeverity, he was puſhed, contrary to his judgment as well as inclination, to make a raſh and premature attempt upon England. He ſaw that James had lately mounted the throne, not only without oppoſition, but ſeemingly with the good-will and affections of his ſubjects. A parliament was ſitting, which diſcovered the greateſt diſpoſition to comply with the king, and whoſe adherence, he knew, would give a ſanction and authority to all public meaſures. The grievances of this reign were hitherto of ſmall importance; and the people were not as yet in a diſpoſition to remark them with great ſeverity. All theſe conſiderations occurred to Monmouth; but ſuch was the impatience of his followers, and ſuch the precipitate humour of Argyle, who ſet out for Scotland a little before him, that no reaſons could be attended to; and this unhappy man was driven upon his fate. CHAP. LXX. 1685.

THE imprudence, however, of this enterprize did not at firſt appear. Though on his landing at Lime in Dorſetſhire, he had ſcarcely a hundred followers; ſo popular was his name, that in four days he had aſſembled above two thouſand horſe and foot. They were, indeed, almoſt all of them, the loweſt of the people; and the declaration, which he publiſhed, was chiefly calculated to ſuit the prejudices of the vulgar, or the moſt bigoted of the whig-party. He called the king duke of York; and denominated him a traitor, a tyrant, an aſſaſſin, and a popiſh uſurper. He imputed to him the fire of London, the murder of Godfrey and of Eſſex, nay the poiſoning of the late king. And he invited all the people to join in oppoſition to his tyranny. 11th June.

THE duke of Albemarle, ſon to him who had reſtored the royal family, aſſembled the militia of Devonſhire to the number of 4000 men, and took poſt at Axminſter, in

CHAP. LXX.

1685.

order to oppoſe the rebels; but obſerving that his troops bore a great affection to Monmouth, he thought proper to retire. Monmouth, though he had formerly given many proofs of perſonal courage, had not the vigour of mind requiſite for an undertaking of this nature. From an ill-grounded diffidence of his men, he neglected to attack Albemarle; an eaſy enterprize, by which he might both have acquired credit, and have ſupplied himſelf with arms. Lord Gray, who commanded his horſe, diſcovered himſelf to be a notorious coward; yet ſuch was the ſoftneſs of Monmouth's nature, that Gray was ſtill continued in his command. Fletcher of Salton, a Scotchman, a man of ſignal probity and fine genius, had been engaged by his republican principles in this enterprize, and commanded the cavalry together with Gray: But being inſulted by one who had newly joined the army, and whoſe horſe he had in a hurry made uſe of, he was prompted by paſſion, to which he was much ſubject, to diſcharge a piſtol at the man; and he killed him on the ſpot. This incident obliged him immediately to leave the camp; and the loſs of ſo gallant an officer was a great prejudice to Monmouth's enterprize.

THE next ſtation of the rebels was Taunton, a diſaffected town, which gladly and even fondly received them, and reinforced them with conſiderable numbers. Twenty young maids of ſome rank preſented Monmouth with a pair of colours of their handiwork, together with a copy of the bible. Monmouth was here perſuaded to take upon him the title of king, and aſſert the legitimacy of his birth; a claim which he advanced in his firſt declaration, but whoſe diſcuſſion he was determined, he then ſaid, during ſome time to poſtpone. His numbers had now increaſed to ſix thouſand; and he was obliged every day, for want of arms, to diſmiſs a great many who

who crowded to his ſtandard. He entered Bridgewater, Wells, Frome; and was proclaimed in all theſe places: But forgetting that ſuch deſperate enterprizes can only be rendered ſucceſsful by the moſt adventurous courage, he allowed the expectations of the people to languiſh, without attempting any conſiderable undertaking. CHAP. LXX. 1685.

WHILE Monmouth, by his imprudent and miſplaced caution, was thus waſting time in the weſt, the king employed himſelf in making preparations to oppoſe him. Six regiments of Britiſh troops were called over from Holland: The army was conſiderably augmented: And regular forces, to the number of 3000 men, were diſpatched under the command of Feverſham and Churchill, in order to check the progreſs of the rebels.

MONMOUTH, obſerving that no conſiderable men joined him, finding that an inſurrection, which was projected in the city, had not taken place, and hearing that Argyle, his confederate, was already defeated and taken; ſunk into ſuch deſpondency, that he had once reſolved to withdraw himſelf, and leave his unhappy followers to their fate. His followers expreſſed more courage than their leader, and ſeemed determined to adhere to him in every fortune. The negligent diſpoſition, made by Feverſham, invited Monmouth to attack the king's army at Sedgemoor near Bridgewater; and his men in this action ſhowed what a native courage and a principle of duty, even when unaſſiſted by diſcipline, is able to perform. They threw the veteran forces into diſorder; drove them from their ground; continued the fight till their ammunition failed them; and would at laſt have obtained a victory, had not the miſconduct of Monmouth and the cowardice of Gray prevented it. After a combat of three hours the rebels gave way; and were followed with great ſlaughter. About 1500 fell in the battle and purſuit. 5th July. Monmouth defeated;

CHAP. LXX.

And thus was concluded in a few weeks this enterprize, raſhly undertaken, and feebly conducted.

1685. Monmouth fled from the field of battle above twenty miles till his horſe ſunk under him. He then changed clothes with a peaſant in order to conceal himſelf. The peaſant was diſcovered by the purſuers, who now redoubled the diligence of their ſearch. At laſt, the unhappy Monmouth was found, lying in the bottom of a ditch, and covered with fern: His body depreſſed with fatigue and hunger; his mind by the memory of paſt misfortunes, by the proſpect of future diſaſters. Human nature is unequal to ſuch calamitous ſituations; much more, the temper of a man, ſoftened by early proſperity, and accuſtomed to value himſelf ſolely on military bravery. He burſt into tears when ſeized by his enemies; and he ſeemed ſtill to indulge the fond hope and deſire of life. Though he might have known, from the greatneſs of his own offences, and the ſeverity of James's temper, that no mercy could be expected, he wrote him the moſt ſubmiſſive letters, and conjured him to ſpare the iſſue of a brother, who had ever been ſo ſtrongly attached to his intereſt. James, finding ſuch ſymptoms of depreſſion and deſpondency in the unhappy priſoner, admitted him to his preſence, in hopes of extorting a diſcovery of his accomplices: But Monmouth would not purchaſe life, however loved, at the price of ſo much infamy. Finding all efforts vain, he aſſumed courage from deſpair, and prepared himſelf for death, with a ſpirit better ſuited to his rank and character. This favourite of the people was attended to the ſcaffold with a plentiful effuſion of tears. He warned the executioner not to fall into the error which he had committed in beheading Ruſſel, where it had been neceſſary to repeat the blow. This precaution ſerved only to diſmay the executioner. He ſtruck a feeble

and executed. 15th July.

blow

blow on Monmouth, who raiſed his head from the block, and looked him in the face, as if reproaching him for his failure. He gently laid down his head a ſecond time; and the executioner ſtruck him again and again to no purpoſe. He then threw aſide the ax, and cried out that he was incapable of finiſhing the bloody office. The ſheriff obliged him to renew the attempt; and at two blows more the head was ſevered from the body. CHAP. LXX. 1685.

THUS periſhed, in the thirty-ſixth year of his age, a nobleman, who, in leſs turbulent times, was well qualified to be an ornament of the court, even to be ſerviceable to his country. The favour of his prince, the careſſes of faction, and the allurements of popularity, ſeduced him into enterprizes, which exceeded his capacity. The good-will of the people ſtill followed him in every fortune. Even after his execution, their fond credulity flattered them with hopes of ſeeing him once more at their head. They believed that the perſon executed was not Monmouth, but one who, having the fortune to reſemble him nearly, was willing to give this proof of his extreme attachment, and to ſuffer death in his ſtead.

THIS victory, obtained by the king in the commencement of his reign, would naturally, had it been managed with prudence, have tended much to encreaſe his power and authority. But by reaſon of the cruelty with which it was proſecuted, and of the temerity with which it afterwards inſpired him, it was a principal cauſe of his ſudden ruin and downfal.

SUCH arbitrary principles had the court inſtilled into all its ſervants, that Feverſham, immediately after the victory, hanged above twenty priſoners; and was proceeding in his executions, when the biſhop of Bath and Wells warned him, that theſe unhappy men were now by law entitled to a trial, and that their execution would be deemed a real murder. This remonſtrance, however, did

CHAP. LXX.

1685 Cruelty of colonel Kirke.

not ſtop the ſavage nature of colonel Kirke, a ſoldier of fortune, who had long ſerved at Tangiers, and had contracted, from his intercourſe with the Moors, an inhumanity leſs known in European and in free countries. At his firſt entry into Bridgewater, he hanged nineteen priſoners, without the leaſt enquiry into the merits of their cauſe. As if to make ſport with death, he ordered a certain number to be executed, while he and his company ſhould drink the king's health, or the queen's, or that of chief-juſtice Jefferies. Obſerving their feet to quiver in the agonies of death, he cried that he would give them muſic to their dancing; and he immediately commanded the drums to beat and the trumpets to ſound. By way of experiment, he ordered one man to be hung up three times, queſtioning him at each interval, whether he repented of his crime: But the man obſtinately aſſerting, that, notwithſtanding the paſt, he ſtill would willingly engage in the ſame cauſe, Kirke ordered him to be hung in chains. One ſtory, commonly told of him, is memorable for the treachery, as well as barbarity, which attended it. A young maid pleaded for the life of her brother, and flung herſelf at Kirke's feet, armed with all the charms which beauty and innocence, bathed in tears, could beſtow upon her. The tyrant was inflamed with deſire, not ſoftened into love or clemency. He promiſed to grant her requeſt, provided that ſhe, in her turn, would be equally compliant to him. The maid yielded to the conditions: But, after ſhe had paſſed the night with him, the wanton ſavage, next morning, ſhowed her, from the window, her brother, the darling object for whom ſhe had ſacrificed her virtue, hanging on a gibbet, which he had ſecretly ordered to be there erected for the execution. Rage and deſpair and indignation took poſſeſſion of her mind, and deprived her for ever of her ſenſes. All the inhabitants of that country, innocent as well as guilty,

were

were expoſed to the ravages of this barbarian. The ſoldiery were let looſe to live at free quarters; and his own regiment, inſtructed by his example, and encouraged by his exhortations, diſtinguiſhed themſelves in a particular manner by their outrages. By way of pleaſantry he uſed to call them *his lambs*; an appellation, which was long remembered with horror in the weſt of England. CHAP. LXX. 1685.

THE violent Jefferies ſucceeded after ſome interval; and ſhowed the people, that the rigours of law might equal, if not exceed, the ravages of military tyranny. This man, who wantoned in cruelty, had already given a ſpecimen of his character in many trials, where he preſided; and he now ſet out with a ſavage joy, as to a full harveſt of death and deſtruction. He began at Dorcheſter; and thirty rebels being arraigned, he exhorted them, but in vain, to ſave him, by their free confeſſion, the trouble of trying them: And when twenty-nine were found guilty, he ordered them, as an additional puniſhment of their diſobedience, to be led to immediate execution. Moſt of the other priſoners, terrified with this example, pleaded guilty; and no leſs than two hundred and ninety-two received ſentence at Dorcheſter. Of theſe, eighty were executed. Exeter was the next ſtage of his cruelty: Two hundred and forty-three were there tried, of whom a great number were condemned and executed. He alſo opened his commiſſion at Taunton and Wells; and every where carried conſternation along with him. The juries were ſo ſtruck with his menaces, that they gave their verdict with precipitation; and many innocent perſons, it is ſaid, were involved with the guilty. And on the whole, beſides thoſe who were butchered by the military commanders, two hundred and fifty-one are computed to have fallen by the hand of juſtice. The whole country was ſtrowed with the heads and limbs of traitors. Every village almoſt beheld the dead carcaſe of a wretched

CHAP. LXX.

1685.

a wretched inhabitant. And all the rigours of juſtice, unabated by any appearance of clemency, were fully diſplayed to the people by the inhuman Jefferies.

Of all the executions, during this diſmal period, the moſt remarkable were thoſe of Mrs. Gaunt and lady Liſle, who had been accuſed of harbouring traitors. Mrs. Gaunt was an anabaptiſt, noted for her beneficence, which ſhe extended to perſons of all profeſſions and perſuaſions. One of the rebels, knowing her humane diſpoſition, had recourſe to her in his diſtreſs, and was concealed by her. Hearing of the proclamation, which offered an indemnity and rewards to ſuch as diſcovered criminals, he betrayed his benefactreſs, and bore evidence againſt her. He received a pardon as a recompence for his treachery; ſhe was burned alive for her charity.

Lady Lisle was widow of one of the regicides who had enjoyed great favour and authority under Cromwel, and who having fled, after the reſtoration, to Lauzanne in Swiſſerland, was there aſſaſſinated by three Iriſh ruffians, who hoped to make their fortune by this piece of ſervice. His widow was now proſecuted for harbouring two rebels the day after the battle of Sedgemoor; and Jefferies puſhed on the trial with an unrelenting violence. In vain did the aged priſoner plead, that theſe criminals had been put into no proclamation; had been convicted by no verdict; nor could any man be denominated a traitor, till the ſentence of ſome legal court was paſſed upon him: That it appeared not by any proof, that ſhe was ſo much as acquainted with the guilt of the perſons, or had heard of their joining the rebellion of Monmouth: That though ſhe might be obnoxious on account of her family, it was well known, that her heart was ever loyal, and that no perſon in England had ſhed more tears for that tragical event, in which her huſband had unfortunately borne too great a ſhare; And that the ſame principles,

ciples, which ſhe herſelf had ever embraced, ſhe had carefully inſtilled into her ſon, and had, at that very time, ſent him to fight againſt thoſe rebels, whom ſhe was now accuſed of harbouring. Though theſe arguments did not move Jefferies, they had influence on the jury. Twice they ſeemed inclined to bring in a favourable verdict: They were as often ſent back with menaces and reproaches; and at laſt were conſtrained to give ſentence againſt the priſoner. Notwithſtanding all applications for pardon, the cruel ſentence was executed. The king ſaid, that he had given Jefferies a promiſe not to pardon her: An excuſe, which could ſerve only to aggravate the blame againſt himſelf. CHAP. LXX. 1685.

It might have been hoped, that, by all theſe bloody executions, a rebellion, ſo precipitate, ſo ill ſupported, and of ſuch ſhort duration, would have been ſufficiently expiated: But nothing could ſatiate the ſpirit of rigour, which poſſeſſed the adminiſtration. Even thoſe multitudes, who received pardon, were obliged to atone for their guilt by fines, which reduced them to beggary; or where their former poverty made them incapable of paying, they were condemned to cruel whippings or ſevere impriſonments. Nor could the innocent eſcape the hands, no leſs rapacious than cruel, of the chief juſtice. Prideaux, a gentleman of Devonſhire, being thrown into priſon, and dreading the ſevere and arbitrary ſpirit, which at that time met with no controul, was obliged to buy his liberty of Jefferies at the price of fifteen thouſand pounds; though he could never ſo much as learn the crime of which he was accuſed.

Goodenough, the ſeditious under-ſheriff of London, who had been engaged in the moſt bloody and deſperate part of the Rye-houſe conſpiracy, was taken priſoner after the battle of Sedgemoor, and reſolved to ſave his own life by an accuſation of Corniſh, the ſheriff, whom he knew

CHAP. LXX.

1685.

knew to be extremely obnoxious to the court. Colonel Rumſey joined him in the accuſation; and the proſecution was ſo haſtened, that the priſoner was tried, condemned, and executed in the ſpace of a week. The perjury of the witneſſes appeared immediately after; and the king ſeemed to regret the execution of Corniſh. He granted his eſtate to his family, and condemned the witneſſes to perpetual impriſonment.

THE injuſtice of this ſentence againſt Corniſh, was not wanted to diſguſt the nation with the court: The continued rigour of the other executions had already impreſſed an univerſal hatred againſt the miniſters of juſtice, attended with compaſſion for the unhappy ſufferers, who, as they had been ſeduced into this crime by miſtaken principles, bore their puniſhment with the ſpirit and zeal of martyrs. The people might have been willing on this occaſion to diſtinguiſh between the king and his miniſters: But care was taken to prove, that the latter had done nothing but what was agreeable to their maſter. Jefferies, on his return, was immediately, for thoſe eminent ſervices, created a peer; and was ſoon after veſted with the dignity of chancellor. It is pretended, however, with ſome appearance of authority, that the king was diſpleaſed with theſe cruelties, and put a ſtop to them by orders, as ſoon as proper information of them was conveyed to him[a].

State of affairs in Scotland.

WE muſt now take a view of the ſtate of affairs in Scotland; where the fate of Argyle had been decided before that of Monmouth. Immediately after the king's acceſſion, a parliament had been ſummoned at Edinburgh; and all affairs were there conducted by the duke of Queenſberry the commiſſioner, and the earl of Perth chancellor. The former had reſolved to make an entire ſurrender of the liberties of his country; but was determined ſtill to

[a] Life of lord-keeper North, p. 260. K. James's Memoirs, p. 144.

adhere

adhere to, its religion: The latter entertained no ſcruple of paying court even by the ſacrifice of both. But no courtier, even the moſt proſtitute, could go farther than the parliament itſelf towards a reſignation of their liberties. In a vote, which they called an offer of duty, after adopting the fabulous hiſtory of a hundred and eleven Scottiſh monarchs, they acknowledged, that all theſe princes, by the primary and fundamental law of the ſtate, had been veſted with a *ſolid* and *abſolute* authority. They declared their abhorrence of all principles and poſitions, derogatory to the king's ſacred, ſupreme, ſovereign, abſolute power, of which none, they ſaid, whether ſingle perſons or collective bodies, can participate, but in dependance on him and by commiſſion from him. They promiſed that the whole nation, between ſixteen and ſixty, ſhall be in readineſs for his majeſty's ſervice, where and as oft as it ſhall be his royal pleaſure to require them. And they annexed the whole exciſe, both of inland and foreign commodities, for ever to the crown. CHAP. LXX. 1685.

All the other acts of this aſſembly ſavoured of the ſame ſpirit. They declared it treaſon for any perſon to refuſe the teſt, if tendered by the council. To defend the obligation of the covenant, ſubjected a perſon to the ſame penalty. To be preſent at any conventicle, was made puniſhable with death and confiſcation of moveables. Even ſuch as refuſed to give teſtimony, either in caſes of treaſon or non-conformity, were declared equally puniſhable as if guilty of thoſe very crimes: An excellent prelude to all the rigours of an inquiſition. It muſt be confeſſed, that nothing could equal the abject ſervility of the Scottiſh nation during this period, but the arbitrary ſeverity of the adminiſtration.

It was in vain that Argyle ſummoned a people, ſo loſt to all ſenſe of liberty, ſo degraded by repeated indignities, to riſe in vindication of their violated laws and Argyle's invaſion;

CHAP. LXX.

1685.

privileges. Even thoſe who declared for him, were, for the greater part, his own vaſſals; men, who, if poſſible, were ſtill more ſunk in ſlavery than the reſt of the nation. He arrived, after a proſperous voyage, in Argyleſhire, attended by ſome fugitives from Holland; among the reſt, by Sir Patrick Hume, a man of mild diſpoſitions, who had been driven to this extremity by a continued train of oppreſſion. The privy council was beforehand apprized of Argyle's intentions. The whole militia of the kingdom, to the number of twenty-two thouſand men, were already in arms; and a third part of them, with the regular forces, were on their march to oppoſe him. All the conſiderable gentry of his clan were thrown into priſon. And two ſhips of war were on the coaſt to watch his motions. Under all theſe diſcouragements he yet made a ſhift, partly from terror, partly from affection, to collect and arm a body of about two thouſand five hundred men; but ſoon found himſelf ſurrounded on all ſides with inſuperable difficulties. His arms and ammunition were ſeized: His proviſions cut off: The marqueſs of Athole preſſed him on one ſide; lord Charles Murray on another; the duke of Gordon hung upon his

defeat; rear; the earl of Dumbarton met him in front. His followers daily fell off from him; but Argyle, reſolute to perſevere, broke at laſt with the ſhattered remains of his troops into the diſaffected part of the Low Countries, which he had endeavoured to allure to him by declarations for the covenant. No one ſhowed either courage or inclination to join him; and his ſmall and ſtill decreaſing army, after wandering about for a little time, was at laſt defeated and diſſipated without an enemy. Argyle himſelf was ſeized and carried to Edinburgh;

and execution. where, after enduring many indignities with a gallant ſpirit, he was publicly executed. He ſuffered on the former unjuſt ſentence, which had been paſſed upon him.

The

The reſt of his followers either eſcaped or were puniſhed by tranſportation: Rumbold and Ayloffe, two Engliſhmen, who had attended Argyle on this expedition, were executed. CHAP. LXX. 1685.

THE king was ſo elated with this continued tide of proſperity, that he began to undervalue even an Engliſh parliament, at all times formidable to his family; and from his ſpeech to that aſſembly, which he had aſſembled early in the winter, he ſeems to have thought himſelf exempted from all rules of prudence, or neceſſity of diſſimulation. He plainly told the two houſes, that the militia, which had formerly been ſo much magnified, was now found, by experience in the laſt rebellion, to be altogether uſeleſs; and he required a new ſupply, in order to maintain thoſe additional forces which he had levied. He alſo took notice, that he had employed a great many catholic officers, and that he had, in their favour, diſpenſed with the law, requiring the teſt to be taken by every one that poſſeſſed any public office. And to cut ſhort all oppoſition, he declared, that, having reaped the benefit of their ſervice during ſuch times of danger, he was determined, neither to expoſe them afterwards to diſgrace, nor himſelf, in caſe of another rebellion, to the want of their aſſiſtance. 9th Nov. A parliament.

SUCH violent averſion did this parliament bear to oppoſition; ſo great dread had been inſtilled of the conſequences attending any breach with the king; that it is probable, had he uſed his diſpenſing power without declaring it, no enquiries would have been made, and time might have reconciled the nation to this dangerous exerciſe of prerogative. But to invade at once their conſtitution, to threaten their religion, to eſtabliſh a ſtanding army, and even to require them, by their concurrence, to contribute towards all theſe meaſures, exceeded the bounds of their patience; and they began, for the firſt time,

CHAP. LXX.

1685.

time, to diſplay ſome ſmall remains of Engliſh ſpirit and generoſity. When the king's ſpeech was taken into conſideration by the commons, many ſevere reflections were thrown out againſt the preſent meaſures; and the houſe was with ſeeming difficulty engaged to promiſe in a general vote, that they would grant ſome ſupply. But inſtead of finiſhing that buſineſs, which could alone render them acceptable to the king, they proceeded to examine the diſpenſing power; and they voted an addreſs to the king againſt it. Before this addreſs was preſented, they reſumed the conſideration of the ſupply; and as one million two hundred thouſand pounds were demanded by the court, and two hundred thouſand propoſed by the country-party, a middle courſe was choſen, and ſeven hundred thouſand, after ſome diſpute, were at laſt voted. The addreſs againſt the diſpenſing power was expreſſed in moſt reſpectful and ſubmiſſive terms; yet was it very ill received by the king, and his anſwer contained a flat denial, uttered with great warmth and vehemence. The commons were ſo daunted with this reply, that they kept ſilence a long time; and when Coke, member for Derby, roſe up and ſaid, "I hope we are all Engliſhmen, "and not to be frightened with a few hard words;" ſo little ſpirit appeared in that aſſembly, often ſo refractory and mutinous, that they ſent him to the Tower for bluntly expreſſing a free and generous ſentiment. They adjourned, without fixing a day for the conſideration of his majeſty's anſwer; and on their next meeting, they ſubmiſſively proceeded to the conſideration of the ſupply, and even went ſo far as to eſtabliſh funds for paying the ſum voted, in nine years and a half. The king, therefore, had in effect, almoſt without conteſt or violence, obtained a complete victory over the commons; and that aſſembly, inſtead of guarding their liberties, now expoſed to manifeſt peril, conferred an additional revenue on the crown;

crown; and by rendering the king in ſome degree independent, contributed to increaſe thoſe dangers with which they had ſo much reaſon to be alarmed. CHAP. LXX. 1685.

THE next oppoſition came from the houſe of peers, which has not commonly taken the lead on theſe occaſions; and even from the bench of biſhops, where the court uſually expects the greateſt complaiſance and ſubmiſſion. The upper houſe had been brought, in the firſt days of the ſeſſion, to give general thanks for the king's ſpeech; by which compliment they were underſtood, according to the practice of that time, to have acquieſced in every part of it: Yet, notwithſtanding that ſtep, Compton, biſhop of London, in his own name and that of his brethren, moved that a day ſhould be appointed for taking the ſpeech into conſideration: He was ſeconded by Halifax, Nottingham, and Mordaunt. Jefferies, the chancellor, oppoſed the motion; and ſeemed inclined to uſe in that houſe the ſame arrogance to which on the bench he had ſo long been accuſtomed: But he was ſoon taught to know his place; and he proved, by his behaviour, that inſolence, when checked, naturally ſinks into meanneſs and cowardice. The biſhop of London's motion prevailed.

THE king might reaſonably have preſumed, that, even if the peers ſhould ſo far reſume courage as to make an application againſt his diſpenſing power, the ſame ſteady anſwer which he had given to the commons would make them relapſe into the ſame timidity; and he might by that means have obtained a conſiderable ſupply, without making any conceſſions in return. But ſo imperious was his temper, ſo lofty the idea which he had entertained of his own authority, and ſo violent the ſchemes ſuggeſted by his own bigotry and that of his prieſts, that, without any delay, without waiting for any farther provocation, he immediately proceeded to a prorogation.

CHAP. LXX.

1685. He continued the parliament during a year and a half by four more prorogations; but having in vain tried, by ſeparate applications, to break the obſtinacy of the leading members, he at laſt diſſolved that aſſembly. And as it was plainly impoſſible for him to find among his proteſtant ſubjects a ſet of men more devoted to royal authority, it was univerſally concluded, that he intended thenceforth to govern entirely without parliaments.

NEVER king mounted the throne of England with greater advantages than James; nay, poſſeſſed greater facility, if that were any advantage, of rendering himſelf and his poſterity abſolute: But all theſe fortunate circumſtances tended only, by his own miſconduct, to bring more ſudden ruin upon him. The nation ſeemed diſpoſed of themſelves to reſign their liberties, had he not, at the ſame time, made an attempt upon their religion: And he might even have ſucceeded in ſurmounting at once their liberties and religion, had he conducted his ſchemes with common prudence and diſcretion. Openly to declare to the parliament, ſo early in his reign, his intention to diſpenſe with the teſts, ſtruck an univerſal alarm throughout the nation; infuſed terror into the church, which had hitherto been the chief ſupport of monarchy; and even diſguſted the army, by whoſe means alone he could now purpoſe to govern. The former horror againſt popery was revived by polemical books and ſermons; and in every diſpute the victory ſeemed to be gained by the proteſtant divines, who were heard with more favourable ears, and who managed the controverſy with more learning and eloquence. But another incident happened at this time, which tended mightily to excite the animoſity of the nation againſt the catholic communion.

LEWIS XIV. having long haraſſed and moleſted the proteſtants, at laſt revoked entirely the edict of Nantz; which

CHAP. LXX. 1685.

which had been enacted by Harry IV. for ſecuring them the free exerciſe of their religion; which had been declared irrevocable; and which, during the experience of near a century, had been attended with no ſenſible inconvenience. All the iniquities inſeparable from perſecution were exerciſed againſt thoſe unhappy religioniſts; who became obſtinate in proportion to the oppreſſions which they ſuffered, and either covered under a feigned converſion a more violent abhorrence of the catholic communion, or ſought among foreign nations for that liberty of which they were bereaved in their native country. Above half a million of the moſt uſeful and induſtrious ſubjects deſerted France; and exported, together with immenſe ſums of money, thoſe arts and manufactures which had chiefly tended to enrich that kingdom. They propagated every where the moſt tragical accounts of the tyranny exerciſed againſt them, and revived among the proteſtants all that reſentment againſt the bloody and perſecuting ſpirit of popery to which ſo many incidents in all ages had given too much foundation. Near fifty thouſand refugees paſſed over into England; and all men were diſpoſed, from their repreſentations, to entertain the utmoſt horror againſt the projects which they apprehended to be formed by the king for the abolition of the proteſtant religion. When a prince of ſo much humanity and of ſuch ſignal prudence as Lewis could be engaged, by the bigotry of his religion alone, without any provocation, to embrace ſuch ſanguinary and impolitic meaſures, what might be dreaded, they aſked, from James, who was ſo much inferior in theſe virtues, and who had already been irritated by ſuch obſtinate and violent oppoſition? In vain did the king affect to throw the higheſt blame on the perſecutions in France: In vain did he afford the moſt real protection and aſſiſtance to the diſtreſſed Hugonots. All theſe ſymptoms of toleration

CHAP. LXX.

1685. were regarded as inſidious; oppoſite to the avowed principles of his ſect, and belied by the ſevere adminiſtration which he himſelf had exerciſed againſt the non-conformiſts in Scotland.

1686. THE ſmalleſt approach towards the introduction of popery, muſt, in the preſent diſpoſition of the people, have afforded reaſon of jealouſy; much more ſo wide a ſtep as that of diſpenſing with the teſts, the ſole ſecurity which the nation, being diſappointed of the excluſion-bill, found provided againſt thoſe dreaded innovations. Yet was the king reſolute to perſevere in his purpoſe; and having failed in bringing over the parliament, he made an attempt, with more ſucceſs, for eſtabliſhing his diſpenſing power, by a verdict of the judges. Sir Edward Hales, a new proſelyte, had accepted a commiſſion of colonel; and directions were given to his coachman to proſecute him for the penalty of five hundred pounds, which the law, eſtabliſhing the teſts, had granted to informers. By this feigned action, the king hoped, both from the authority of the deciſion, and the reaſon of the thing, to put an end to all queſtions with regard to his diſpenſing power.

Diſpenſing power.

IT could not be expected that the lawyers appointed to plead againſt Hales would exert great force on that occaſion: But the cauſe was regarded with ſuch anxiety by the public, that it has been thoroughly canvaſſed in ſeveral elaborate diſcourſes [a]; and could men diveſt themſelves of prejudice, there want not ſufficient materials on which to form a true judgment. The claim and exerciſe of the diſpenſing power is allowed to be very ancient in England; and though it ſeems at firſt to have

[a] Particularly Sir Edward Herbert's Defence in the State Trials, and Sir Robert Atkins's Enquiry concerning the Diſpenſing Power.

been

been copied from papal uſurpations, it may plainly be traced up as high as the reign of Henry III. In the feudal governments, men were more anxious to ſecure their private property than to ſhare in the public adminiſtration; and provided no innovations were attempted on their rights and poſſeſſions, the care of executing the laws, and enſuring general ſafety, was without jealouſy entruſted to the ſovereign. Penal ſtatutes were commonly intended to arm the prince with more authority for that purpoſe; and being in the main calculated for promoting his influence as firſt magiſtrate, there ſeemed no danger in allowing him to diſpenſe with their execution, in ſuch particular caſes as might require an exception or indulgence. That practice had ſo much prevailed, that the parliament itſelf had more than once acknowledged this prerogative of the crown; particularly during the reign of Henry V. when they enacted the law againſt aliens [b], and alſo when they paſſed the ſtatute of proviſors [c]. But though the general tenor of the penal ſtatutes was ſuch as gave the king a ſuperior intereſt in their execution beyond any of his ſubjects, it could not but ſometimes happen in a mixed government, that the parliament would deſire to enact laws, by which the regal power, in ſome particulars, even where private property was not immediately concerned, might be regulated and reſtrained. In the twenty-third of Henry VI. a law of this kind was enacted, prohibiting any man from ſerving in a county as ſheriff above a year; and a clauſe was inſerted by which the king was diſabled from granting a diſpenſation. Plain reaſon might have taught, that this law,

CHAP. LXX

1686.

[b] Rot. Parl. 1 Hen. V. n. xv. [c] Ibid. 1 Hen. V. n. xxii. It is remarkable, however, that in the reign of Richard the Second, the parliament granted the king only a temporary power of diſpenſing with the ſtatute of proviſors. Rot. Parl. 15 Rich. II. n. i. A plain implication that he had not, of himſelf, ſuch a prerogative. So uncertain were many of theſe points at that time.

CHAP. LXX.

1686.

at leaſt, ſhould be exempted from the king's prerogative: But as the diſpenſing power ſtill prevailed in other caſes, it was ſoon able, aided by the ſervility of the courts of judicature, even to overpower this ſtatute, which the legiſlature had evidently intended to ſecure againſt violation. In the reign of Henry VII. the caſe was brought to a trial before all the judges in the exchequer-chamber; and it was decreed, that, notwithſtanding the ſtrict clauſe above mentioned, the king might diſpenſe with the ſtatute: He could firſt, it was alleged, diſpenſe with the prohibitory clauſe, and then with the ſtatute itſelf. This opinion of the judges, though ſeemingly abſurd, had ever ſince paſſed for undoubted law: The practice of continuing the ſheriffs had prevailed: And moſt of the property in England had been fixed by deciſions, which juries, returned by ſuch ſheriffs, had given in the courts of judicature. Many other diſpenſations of a like nature may be produced; not only ſuch as took place by intervals, but ſuch as were uniformly continued. Thus the law was diſpenſed with which prohibited any man from going a judge of aſſize into his own county; that which rendered all Welchmen incapable of bearing offices in Wales; and that which required every one, who received a pardon for felony, to find ſureties for his good behaviour. In the ſecond of James I. a new conſultation of all the judges had been held upon a like queſtion: This prerogative of the crown was again unanimouſly affirmed[d]: And it became an eſtabliſhed principle in Engliſh juriſprudence, that, though the king could not allow of what was morally unlawful, he could permit what was only prohibited by poſitive ſtatute. Even the jealous houſe of commons, who extorted the petition of right from Charles I. made no ſcruple, by the mouth of Glanville, their manager, to allow of the diſpenſing power in

[d] Sir Edward Coke's Reports, ſeventh Report.

its

its full extent[e]; and in the famous trial of ſhip-money, Holborne, the popular lawyer, had freely, and in the moſt explicit terms, made the ſame conceſſion[f]. Sir Edward Coke, the great oracle of Engliſh law, had not only concurred with all other lawyers in favour of this prerogative, but ſeems even to believe it ſo inherent in the crown, that an act of parliament itſelf could not aboliſh it[g]. And he particularly obſerves, that no law can impoſe ſuch a diſability of enjoying offices as the king may not diſpenſe with; becauſe the king, from the law of nature, has a right to the ſervice of all his ſubjects. This particular reaſon, as well as all the general principles, is applicable to the queſtion of the teſts; nor can the dangerous conſequence of granting diſpenſations in that caſe be ever allowed to be pleaded before a court of judicature. Every prerogative of the crown, it may be ſaid, admits of abuſe: Should the king pardon all criminals, law muſt be totally diſſolved: Should he declare and continue perpetual war againſt all nations, inevitable ruin muſt enſue: Yet theſe powers are entruſted to the ſovereign; and we muſt be content, as our anceſtors were, to depend upon his prudence and diſcretion in the exerciſe of them.

CHAP. LXX. 1685.

THOUGH this reaſoning ſeems founded on ſuch principles as are uſually admitted by lawyers, the people had entertained ſuch violent prepoſſeſſions againſt the uſe which James here made of his prerogative, that he was obliged, before he brought on Hales's cauſe, to diſplace four of the judges, Jones, Montague, Charleton, and Nevil; and even Sir Edward Herbert, the chief juſtice, though a man of acknowledged virtue, yet, becauſe he here ſupported the pretenſions of the crown, was expoſed

[e] State Trials, vol. vii. firſt edit. p. 205. Parl. Hiſt. vol. viii. p. 132.
[f] State Trials, vol. v. firſt edit. p. 171.
[g] Sir Edward Coke's Reports, twelfth Report, p. 18.

CHAP. LXX. 1686.

to great and general reproach. Men deemed a diſpenſing to be in effect the ſame with a repealing power; and they could not conceive that leſs authority was neceſſary to repeal than to enact any ſtatute. If one penal law was diſpenſed with, any other might undergo the ſame fate: And by what principle could even the laws which define property be afterwards ſecured from violation? The teſt act had ever been conceived the great barrier of the eſtabliſhed religion under a popiſh ſucceſſor: As ſuch, it had been inſiſted on by the parliament; as ſuch, granted by the king; as ſuch, during the debates with regard to the excluſion, recommended by the chancellor. By what magic, what chicane of law, is it now annihilated, and rendered of no validity? Theſe queſtions were every where aſked; and men, ſtraitened by precedents and deciſions of great authority, were reduced either to queſtion the antiquity of this prerogative itſelf, or to aſſert, that even the practice of near five centuries could not beſtow on it ſufficient authority[h]. It was not conſidered, that the preſent difficulty or ſeeming abſurdity had proceeded from late innovations introduced into the government. Ever ſince the beginning of this century, the parliament had, with a laudable zeal, been acquiring powers and eſtabliſhing principles favourable to law and liberty: The authority of the crown had been limited in many important particulars: And penal ſtatutes were often calculated to ſecure the conſtitution againſt the attempts of miniſters, as well as to preſerve a general peace, and repreſs crimes and immoralities. A prerogative, however, derived from very ancient, and almoſt uniform practice, the diſpenſing power, ſtill remained, or was ſuppoſed to remain, with the crown; ſufficient in an inſtant to overturn this whole fabric, and to throw down all fences of the conſtitution. If this prerogative,

[h] Sir Robert Atkins, p. 21.

which

which carries on the face of it ſuch ſtrong ſymptoms of an abſolute authority in the prince, had yet, in ancient times, ſubſiſted with ſome degree of liberty in the ſubject; this fact only proves, that ſcarcely any human government, much leſs one erected in rude and barbarous times, is entirely conſiſtent and uniform in all its parts. But to expect, that the diſpenſing power could, in any degree, be rendered compatible with thoſe accurate and regular limitations, which had of late been eſtabliſhed, and which the people were determined to maintain, was a vain hope; and though men knew not upon what principles they could deny that prerogative, they ſaw, that, if they would preſerve their laws and conſtitution, there was an abſolute neceſſity for denying, at leaſt for aboliſhing it. The revolution alone, which ſoon ſucceeded, happily put an end to all theſe diſputes: By means of it, a more uniform edifice was at laſt erected: The monſtrous inconſiſtence, ſo viſible between the ancient Gothic parts of the fabric and the recent plans of liberty, was fully corrected: And to their mutual felicity, king and people were finally taught to know their proper boundaries[1].

CHAP. LXX. 1686.

[1] It is remarkable, that the convention, ſummoned by the prince of Orange, did not, even when they had the making of their own terms in *the declaration of rights*, venture to condemn the diſpenſing power in general, which had been uniformly exerciſed by the former kings of England. They only condemned it ſo far, *as it had been aſſumed and exerciſed of late*, without being able to tell wherein the difference lay. But in the *bill of rights*, which paſſed about a twelvemonth after, the parliament took care to ſecure themſelves more effectually againſt a branch of prerogative, incompatible with all legal liberty and limitations; and they excluded, in poſitive terms, all diſpenſing power in the crown. Yet even then the houſe of lords rejected that clauſe of the bill, which condemned the exerciſe of this power in former kings, and obliged the commons to reſt content with aboliſhing it for the future. There needs no other proof of the irregular nature of the old Engliſh government, than the exiſtence of ſuch a prerogative, always exerciſed and never queſtioned, till the acquiſition of real liberty diſcovered, at laſt, the danger of it. See the Journals.

WHAT-

CHAP. LXX.

1686.

WHATEVER topics lawyers might find to defend James's diſpenſing power, the nation thought it dangerous, if not fatal, to liberty; and his reſolution of exerciſing it may on that account be eſteemed no leſs alarming, than if the power had been founded on the moſt recent and moſt flagrant uſurpation. It was not likely, that an authority, which had been aſſumed, through ſo many obſtacles, would in his hands lie long idle and unemployed. Four catholic lords were brought into the privy council, Powis, Arundel, Bellaſis, and Dover. Halifax, finding, that, notwithſtanding his paſt merits, he poſſeſſed no real credit or authority, became refractory in his oppoſition; and his office of privy ſeal was given to Arundel. The king was open, as well as zealous, in the deſire of making converts; and men plainly ſaw, that the only way to acquire his affection and confidence was by a ſacrifice of their religion. Sunderland, ſome time after, ſcrupled not to gain favour at this price. Rocheſter, the treaſurer, though the king's brother-in-law, yet, becauſe he refuſed to give this inſtance of complaiſance, was turned out of his office: The treaſury was put in commiſſion, and Bellaſis was placed at the head of it. All the courtiers were diſguſted, even ſuch as had little regard to religion. The diſhonour, as well as diſtruſt, attending renegades, made moſt men reſolve, at all hazards, to adhere to their ancient faith.

State of Scotland.

IN Scotland, James's zeal for proſelytiſm was more ſucceſsful. The earls of Murray, Perth, and Melfort were brought over to the court religion; and the two latter noblemen made uſe of a very courtly reaſon for their converſion: They pretended, that the papers found in the late king's cabinet, had opened their eyes, and had convinced them of the preference due to the catholic religion. Queenſberry, who ſhowed not the ſame complaiſance, fell into total diſgrace, notwithſtanding his former

former ſervices, and the important ſacrifices, which he had made to the meaſures of the court. Theſe merits could not even enſure him of ſafety againſt the vengeance to which he ſtood expoſed. His rival, Perth, who had been ready to ſink under his ſuperior intereſt, now acquired the aſcendant; and all the complaints exhibited againſt him, were totally obliterated. His faith, according to a ſaying of Halifax, had made him whole. CHAP. LXX. 1686.

State of Ireland.

BUT it was in Ireland chiefly, that the maſk was wholly taken off, and that the king thought himſelf at liberty to proceed to the full extent of his zeal and his violence. The duke of Ormond was recalled; and though the primate and lord Granard, two proteſtants, ſtill poſſeſſed the authority of juſtices, the whole power was lodged in the hands of Talbot, the general, ſoon after created earl of Tyrconnel; a man, who, from the blindneſs of his prejudices and fury of his temper, was tranſported with the moſt immeaſurable ardour for the catholic cauſe. After the ſuppreſſion of Monmouth's rebellion, orders were given by Tyrconnel to diſarm all the proteſtants, on pretence of ſecuring the public peace, and keeping their arms in a few magazines for the uſe of the militia. Next, the army was new-modelled; and a great number of officers were diſmiſſed, becauſe it was pretended, that they or their fathers had ſerved under Cromwel and the republic. The injuſtice was not confined to them. Near three hundred officers more were afterwards broken, though many of them had purchaſed their commiſſions: About four or five thouſand private ſoldiers, becauſe they were proteſtants, were diſmiſſed; and being ſtripped even of their regimentals, were turned out to ſtarve in the ſtreets. While theſe violences were carrying on, Clarendon, who had been named lord lieutenant, came over; but he ſoon found, that, as he had refuſed to give the king the deſired pledge of fidelity, by

renew the former animoſity. A very moderate indulgence, therefore, to the catholic religion would have ſatisfied them; and all attempts to acquire power, much more to produce a change of the national faith, they deemed dangerous and deſtructive [a].

CHAP. LXX. 1686.

Breach betwixt the king and the church.

On the firſt broaching of the popiſh plot, the clergy of the church of England had concurred in the proſecution of it, with the ſame violence and credulity as the reſt of the nation: But dreading afterwards the prevalence of republican and preſbyterian principles, they had been engaged to ſupport the meaſures of the court; and to their aſſiſtance chiefly, James had owed his ſucceſſion to the crown. Finding that all theſe ſervices were forgotten, and that the catholic religion was the king's ſole favourite, the church had commenced an oppoſition to court meaſures; and popery was now acknowledged the more immediate danger. In order to prevent inflammatory ſermons on this popular ſubject, James revived ſome directions to preachers, which had been promulgated by the late king, in the beginning of his reign, when no deſign againſt the national religion was yet formed, or at leaſt apprehended. But in the preſent delicate and intereſting ſituation of the church, there was little reaſon to expect that orders founded on no legal authority, would be rigidly obeyed by preachers, who ſaw no ſecurity to themſelves but in preſerving the confidence and regard of the people. Inſtead of avoiding controverſy, according to the king's injunctions, the preachers every where declaimed againſt popery; and, among the reſt, Dr. Sharpe, a clergyman of London, particularly diſtinguiſhed himſelf, and affected to throw great contempt on thoſe who had been induced to change their religion by ſuch pitiful arguments as the Romiſh miſſionaries could ſuggeſt. This topic, being ſuppoſed to reflect on the king, gave great offence at court; and poſitive orders were iſſued to the

[a] D'Avaux, 10 January 1687.

biſhop

CHAP. LXX. 1686.

biſhop of London, his dioceſan, immediately to ſuſpend Sharpe, till his majeſty's pleaſure ſhould be farther known. The prelate replied, that he could not poſſibly obey theſe commands, and that he was not empowered, in ſuch a ſummary manner, to inflict any puniſhment even upon the greateſt delinquent. But neither this obvious reaſon, nor the moſt dutiful ſubmiſſions, both of the prelate and of Sharpe himſelf, could appeaſe the court. The king was determined to proceed with violence in the proſecution of this affair. The biſhop himſelf he reſolved to puniſh for diſobedience to his commands; and the expedient, which he employed for that purpoſe, was of a nature at once the moſt illegal and moſt alarming.

Court of eccleſiaſtical commiſſion.

AMONG all the engines of authority formerly employed by the crown, none had been more dangerous, or even deſtructive, to liberty, than the court of high commiſſion, which, together with the ſtar-chamber, had been aboliſhed in the reign of Charles I. by act of parliament; in which a clauſe was alſo inſerted, prohibiting the erection in all future times, of that court, or any of a like nature. But this law was deemed by James no obſtacle; and an eccleſiaſtical commiſſion was anew iſſued, by which ſeven [k] commiſſioners were veſted with full and unlimited authority over the church of England. On them were beſtowed the ſame inquiſitorial powers, poſſeſſed by the former court of high commiſſion: They might proceed upon bare ſuſpicion; and the better to ſet the law at defiance, it was expreſsly inſerted in their patent itſelf, that they were to exerciſe their juriſdiction, notwithſtanding any law or ſtatute to the contrary.

[k] The perſons named were the archbiſhop of Canterbury, Sancroft; the biſhop of Durham, Crew; of Rocheſter, Sprat; the earl of Rocheſter, Sunderland, chancellor Jefferies, and lord chief juſtice Herbert. The archbiſhop refuſed to act, and the biſhop of Cheſter was ſubſtituted in his place.

The king's design to subdue the church was now sufficiently known; and had he been able to establish the authority of this new-erected court, his success was infallible. A more sensible blow could not be given, both to national liberty and religion; and happily the contest could not be tried in a cause more iniquitous and unpopular than that against Sharpe and the bishop of London. CHAP. LXX. 1685.

THE prelate was cited before the commissioners. After denying the legality of the court, and claiming the privilege of all Christian bishops to be tried by the metropolitan and his suffragans; he pleaded in his own defence, that, as he was obliged, if he had suspended Sharpe, to act in the capacity of a judge, he could not, consistent either with law or equity, pronounce sentence without a previous citation and trial: That he had by petition represented this difficulty to his majesty; and not receiving any answer, he had reason to think, that his petition had given entire satisfaction: That in order to shew farther his deference, he had advised Sharpe to abstain from preaching, till he had justified his conduct to the king; an advice, which, coming from a superior, was equivalent to a command, and had accordingly met with the proper obedience: That he had thus, in his apprehension, conformed himself to his majesty's pleasure; but if he should still be found wanting to his duty in any particular, he was now willing to crave pardon, and to make reparation. All this submission, both in Sharpe and the prelate, had no effect: It was determined to have an example: Orders were accordingly sent to the commissioners to proceed: And by a majority of votes the bishop, as well as the doctor, was suspended.

Sentence against the bishop of London.

ALMOST the whole of this short reign consists of attempts always imprudent, often illegal, sometimes both, against whatever was most loved and revered by the nation:

CHAP. LXX.

1686.

nation: Even ſuch ſchemes of the king's as might be laudable in themſelves, were ſo diſgraced by his intentions, that they ſerve only to aggravate the charge againſt him. James was become a great patron of toleration, and an enemy to all thoſe perſecuting laws, which, from the influence of the church, had been enacted both againſt the diſſenters and catholics. Not content with granting diſpenſations to particular perſons, he aſſumed a power of iſſuing a declaration of general indulgence, and of ſuſpending at once all the penal ſtatutes, by which a conformity was required to the eſtabliſhed religion. This was a ſtrain of authority, it muſt be confeſſed, quite inconſiſtent with law and a limited conſtitution; yet was it ſupported by many ſtrong precedents in the hiſtory of England. Even after the principles of liberty were become more prevalent, and began to be well underſtood, the late king had, oftener than once, and without giving much umbrage, exerted this dangerous power: He had, in 1662, ſuſpended the execution of a law, which regulated carriages: During the two Dutch wars, he had twice ſuſpended the act of navigation: And the commons, in 1666, being reſolved, contrary to the king's judgment, to enact that iniquitous law againſt the importation of Iriſh cattle, found it neceſſary, in order to obviate the exerciſe of this prerogative, which they deſired not at that time entirely to deny or abrogate, to call that importation a nuiſance.

Penal laws ſuſpended.

THOUGH the former authority of the ſovereign was great in civil affairs, it was ſtill greater in eccleſiaſtical; and the whole deſpotic power of the popes was often believed, in virtue of the ſupremacy, to have devolved to the crown. The laſt parliament of Charles I. by aboliſhing the power of the king and convocation to frame canons without conſent of parliament, had ſomewhat diminiſhed the ſuppoſed extent of the ſupremacy; but ſtill very conſi-

conſiderable remains of it, at leaſt very important claims, were preſerved, and were occaſionally made uſe of by the ſovereign. In 1662, Charles, pleading both the rights of his ſupremacy and his ſuſpending power, had granted a general indulgence or toleration; and in 1672 he renewed the ſame edict: Though the remonſtrances of his parliament obliged him, on both occaſions, to retract; and in the laſt inſtance, the triumph of law over prerogative was deemed very great and memorable. In general, we may remark, that, where the exerciſe of the ſuſpending power was agreeable and uſeful, the power itſelf was little queſtioned: Where the exerciſe was thought liable to exceptions, men not only oppoſed it, but proceeded to deny altogether the legality of the prerogative, on which it was founded.

JAMES, more imprudent and arbitrary than his predeceſſor, iſſued his proclamation, ſuſpending all the penal laws in eccleſiaſtical affairs, and granting a general liberty of conſcience to all his ſubjects. He was not deterred by the reflection, both that this ſcheme of indulgence was already blaſted by two fruitleſs attempts; and that in ſuch a government as that of England, it was not ſufficient that a prerogative be approved of by ſome lawyers and antiquaries: If it was condemned by the general voice of the nation, and yet was ſtill exerted, the victory over national liberty was no leſs ſignal than if obtained by the moſt flagrant injuſtice and uſurpation. Theſe two conſiderations indeed would rather ſerve to recommend this project to James; who deemed himſelf ſuperior in vigour and activity to his brother, and who probably thought, that his people enjoyed no liberties, but by his royal conceſſion and indulgence.

IN order to procure a better reception for his edict of toleration, the king, finding himſelf oppoſed by the church, began to pay court to the diſſenters; and he

CHAP. LXX. 1687.

imagined, that, by playing one party againſt another, he ſhould eaſily obtain the victory over both; a refined policy which it much exceeded his capacity to conduct. His intentions were ſo obvious, that it was impoſſible for him ever to gain the ſincere confidence and regard of the non-conformiſts. They knew, that the genius of their religion was diametrically oppoſite to that of the catholics, the ſole object of the king's affection. They were ſenſible, that both the violence of his temper, and the maxims of his religion, were repugnant to the principles of toleration. They had ſeen, that, on his acceſſion, as well as during his brother's reign, he had courted the church at their expence; and it was not till his dangerous ſchemes were rejected by the prelates, that he had recourſe to the non-conformiſts. All his favours, therefore, muſt, to every man of judgment among the ſectaries, have appeared inſidious: Yet ſuch was the pleaſure reaped from preſent caſe, ſuch the animoſity of the diſſenters againſt the church, who had ſo long ſubjected them to the rigours of perſecution, that they every where expreſſed the moſt entire duty to the king, and compliance with his meaſures; and could not forbear rejoicing extremely in the preſent depreſſion of their adverſaries.

BUT had the diſſenters been ever ſo much inclined to ſhut their eyes with regard to the king's intentions, the manner of conducting his ſcheme in Scotland was ſufficient to diſcover the ſecret. The king firſt applied to the Scottiſh parliament, and deſired an indulgence for the catholics alone, without comprehending the preſbyterians: But that aſſembly, though more diſpoſed than even the parliament of England, to ſacrifice their civil liberties, reſolved likewiſe to adhere pertinaciouſly to their religion; and they rejected for the firſt time the king's application. James therefore found himſelf obliged to exert his prerogative; and he now thought it prudent to intereſt a party

party among his ſubjects, beſides the catholics, in ſupporting this act of authority. To the ſurprize of the haraſſed and perſecuted preſbyterians, they heard the principles of toleration every where extolled, and found that full permiſſion was granted to attend conventicles; an offence, which, even during this reign, had been declared no leſs than a capital enormity. The king's declaration, however, of indulgence contained clauſes, ſufficient to depreſs their joy. As if popery were already predominant, he declared, "that he never would uſe "force or *invincible neceſſity* againſt any man on account "of his perſuaſion or the proteſtant religion:" A promiſe ſurely of toleration given to the proteſtants with great precaution, and admitting a conſiderable latitude for perſecution and violence. It is likewiſe remarkable, that the king declared in expreſs terms, "that he had "thought fit, by his ſovereign authority, prerogative "royal, and *abſolute* power, which all his ſubjects were "to obey *without reſerve*, to grant this royal toleration." The dangerous deſigns of other princes are to be collected by a compariſon of their ſeveral actions, or by a diſcovery of their more ſecret counſels: But ſo blinded was James with zeal, ſo tranſported by his imperious temper, that even his proclamations and public edicts contain expreſſions, which, without farther enquiry, may ſuffice to his condemnation.

CHAP. LXX. 1687.

THE Engliſh well knew, that the king, by the conſtitution of their government, thought himſelf intitled, as indeed he was, to as ample authority in his ſouthern, as in his northern kingdom; and therefore, though the declaration of indulgence publiſhed for England was more cautiouſly expreſſed, they could not but be alarmed by the arbitrary treatment to which their neighbours were expoſed. It is even remarkable, that the Engliſh declaration contained clauſes of a ſtrange import. The king

CHAP. LXX. 1687.

there promiſed, that he would maintain his loving ſubjects in all their properties and poſſeſſions, as well of church and abbey lands as of any other. Men thought, that, if the full eſtabliſhment of popery were not at hand, this promiſe was quite ſuperfluous; and they concluded, that the king was ſo replete with joy on the proſpect of that glorious event, that he could not, even for a moment, refrain from expreſſing it.

State of Ireland.

BUT what afforded the moſt alarming proſpect, was the continuance and even encreaſe of the violent and precipitate conduct of affairs in Ireland. Tyrconnel was now veſted with full authority; and carried over with him as chancellor one Fitton, a man who was taken from a jail, and who had been convicted of forgery and other crimes, but who compenſated for all his enormities by a headlong zeal for the catholic religion. He was even heard to ſay from the bench, that the proteſtants were all rogues, and that there was not one among forty thouſand that was not a traitor, a rebel, and a villain. The whole ſtrain of the adminiſtration was ſuitable to ſuch ſentiments. The catholics were put in poſſeſſion of the council table, of the courts of judicature, and of the bench of juſtices. In order to make them maſters of the parliament, the ſame violence was exerciſed that had been practiſed in England. The charters of Dublin and of all the corporations were annulled; and new charters were granted, ſubjecting the corporations to the will of the ſovereign. The proteſtant freemen were expelled, catholics introduced; and the latter ſect, as they always were the majority in number, were now inveſted with the whole power of the kingdom. The act of ſettlement was the only obſtacle to their enjoying the whole property; and Tyrconnel had formed a ſcheme for calling a parliament, in order to reverſe that act, and empower the king to beſtow all the lands of Ireland on his catholic ſubjects. But in this ſcheme he met

met with oppoſition from the moderate catholics in the king's council. Lord Bellaſis went even ſo far as to affirm with an oath, "that that fellow in Ireland was "fool and madman enough to ruin ten kingdoms." The decay of trade, from the deſertion of the proteſtants, was repreſented; the ſinking of the revenue; the alarm communicated to England: And by theſe conſiderations the king's reſolutions were for ſome time ſuſpended; though it was eaſy to foreſee, from the uſual tenor of his conduct, which ſide would at laſt preponderate. CHAP. LXX. 1687.

BUT the king was not content with diſcovering in his own kingdoms the imprudence of his conduct: He was reſolved, that all Europe ſhould be witneſs of it. He publicly ſent the earl of Caſtelmaine ambaſſador extraordinary to Rome, in order to expreſs his obeiſance to the Pope, and to make advances for reconciling his kingdoms, in form, to the catholic communion. Never man, who came on ſo important an errand, met with ſo many neglects and even affronts, as Caſtelmaine. The pontiff, inſtead of being pleaſed with this forward ſtep, concluded that a ſcheme, conducted with ſo much indiſcretion, could never poſſibly be ſucceſsful. And as he was engaged in a violent quarrel with the French monarch, a quarrel which intereſted him more nearly than the converſion of England, he bore little regard to James, whom he believed too cloſely connected with his capital enemy. Embaſſy to Rome.

THE only proof of complaiſance, which James received from the pontiff was his ſending a nuncio to England, in return for the embaſſy. By act of parliament any communication with the Pope was made treaſon: Yet ſo little regard did the king pay to the laws, that he gave the nuncio a public and ſolemn reception at Windſor. The duke of Somerſet, one of the bed-chamber, becauſe he refuſed to aſſiſt at this ceremony, was diſmiſſed from his employment. The nuncio reſided

CHAP. LXX.

1687.

openly in London during the reſt of this reign. Four catholic biſhops were publicly conſecrated in the king's chapel, and ſent out under the title of vicars apoſtolical, to exerciſe the epiſcopal function in their reſpective dioceſes. Their paſtoral letters, directed to the lay catholics of England were printed and diſperſed by the expreſs allowance and permiſſion of the king. The regular clergy of that communion appeared at court in the habits of their order; and ſome of them were ſo indiſcreet as to boaſt, that, in a little time, they hoped to walk in proceſſion through the capital.

WHILE the king ſhocked in the moſt open manner all the principles and prejudices of his proteſtant ſubjects, he could not ſometimes but be ſenſible, that he ſtood in need of their aſſiſtance for the execution of his deſigns. He had himſelf, by virtue of his prerogative, ſuſpended the penal laws, and diſpenſed with the teſt; but he would gladly have obtained the ſanction of parliament to theſe acts of power; and he knew, that, without this authority, his edicts alone would never afford a durable ſecurity to the catholics. He had employed, therefore, with the members of parliament many private conferences, which were then called *cloſetings*; and he uſed every expedient of reaſons, menaces and promiſes to break their obſtinacy in this particular. Finding all his efforts fruitleſs, he had diſſolved the parliament, and was determined to call a new one, from which he expected more complaiſance and ſubmiſſion. By the practice of annulling the charters, the king was become maſter of all the corporations, and could at pleaſure change every where the whole magiſtracy. The church party, therefore, by whom the crown had been hitherto ſo remarkably ſupported, and to whom the king viſibly owed his ſafety from all the efforts of his enemies, was deprived of authority; and the diſſenters, thoſe very enemies, were, firſt

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in London, and afterwards in every other corporation, ſubſtituted in their place. Not content with this violent and dangerous innovation, the king appointed certain regulators to examine the qualifications of electors; and directions were given them to exclude all ſuch as adhered to the teſt and penal ſtatutes[1]. Queries to this purpoſe were openly propoſed in all places, in order to try the ſentiments of men, and enable the king to judge of the proceedings of the future parliament. The power of the crown was at this time ſo great; and the revenue, managed by James's frugality, ſo conſiderable and independent; that, if he had embraced any national party, he had been enſured of ſucceſs; and might have carried his authority to what length he pleaſed. But the catholics, to whom he had entirely devoted himſelf, were ſcarcely the hundredth part of the people. Even the proteſtant non-conformiſts, whom he ſo much courted, were little more than the twentieth; and what was worſe, repoſed no confidence in the unnatural alliance contracted with the catholics, and in the principles of toleration, which, contrary to their uſual practice in all ages, ſeemed at preſent to be adopted by that ſect. The king, therefore, finding little hopes of ſucceſs, delayed the ſummoning of a parliament, and proceeded ſtill in the exerciſe of his illegal and arbitrary authority.

CHAP. LXX. 1687.

THE whole power in Ireland had been committed to catholics. In Scotland, all the miniſters, whom the king chiefly truſted, were converts to that religion. Every great office in England, civil and military, was gradually transferred from the proteſtants. Rocheſter and

[1] The elections in ſome places, particularly in York, were transferred from the people to the magiſtrates, who, by the new charter, were all named by the crown. Sir John Reresby's memoirs, p. 272. This was in reality nothing different from the king's naming the members. The ſame act of authority had been employed in all the burroughs of Scotland.

CHAP. LXX. 1687.

Clarendon, the king's brothers-in-law, though they had ever been faithful to his intereſts, could not, by all their ſervices, atone for their adherence to the national religion; and had been diſmiſſed from their employments. The violent Jefferies himſelf, though he had ſacrificed juſtice and humanity to the court; yet, becauſe he refuſed alſo to give up his religion, was declining in favour and intereſt. Nothing now remained but to open the door in the church and univerſities to the intruſion of the catholics. It was not long before the king made this raſh effort; and by conſtraining the prelacy and eſtabliſhed church to ſeek protection in the principles of liberty, he at laſt left himſelf entirely without friends and adherents.

FATHER FRANCIS, a Benedictine, was recommended by the king's mandate to the univerſity of Cambridge for the degree of maſter of arts; and as it was uſual for the univerſity to confer that degree on perſons eminent for learning, without regard to their religion; and as they had even admitted lately the ſecretary to the ambaſſador of Morocco; the king on that account thought himſelf the better intitled to compliance. But the univerſity conſidered, that there was a great difference between a compliment beſtowed on foreigners, and degrees which gave a title to vote in all the elections and ſtatutes of the univerſity, and which, if conferred on the catholics, would infallibly in time render that ſect entirely ſuperior. They therefore refuſed to obey the king's mandate, and were cited to appear before the court of eccleſiaſtical commiſſion. The vice-chancellor was ſuſpended by that court; but as the univerſity choſe a man of ſpirit to ſucceed him, the king thought proper for the preſent to drop his pretenſions.

Attempt upon Magdalen college.

THE attempt upon the univerſity of Oxford was proſecuted with more inflexible obſtinacy, and was attended with

with more important conſequences. This univerſity had lately, in their famous decree, made a ſolemn profeſſion of paſſive obedience; and the court probably expected, that they would ſhow their ſincerity, when their turn came to practiſe that doctrine; which, though, if carried to the utmoſt extent, it be contrary both to reaſon and to nature, is apt to meet with the more effectual oppoſition from the latter principle. The preſident of Magdalen college, one of the richeſt foundations in Europe, dying about this time, a mandate was ſent in favour of Farmer, a new convert, but one who, beſides his being a catholic, had not, in other reſpects, the qualifications required by the ſtatutes for enjoying that office. The fellows of the college made ſubmiſſive applications to the king for recalling his mandate; but before they received an anſwer, the day came, on which, by their ſtatutes, they were obliged to proceed to an election. They choſe Dr. Hough, a man of virtue, as well as of the firmneſs and vigour requiſite for maintaining his own rights and thoſe of the univerſity. In order to puniſh the college for this contumacy, as it was called, an inferior eccleſiaſtical commiſſion was ſent down, and the new preſident and the fellows were cited before it. So little regard had been paid to any conſideration beſides religion, that Farmer, on enquiry, was found guilty of the loweſt and moſt ſcandalous vices; inſomuch that even the eccleſiaſtical commiſſioners were aſhamed to inſiſt on his election. A new mandate, therefore, was iſſued in favour of Parker, lately created biſhop of Oxford, a man of a proſtitute character, but who, like Farmer, atoned for all his vices by his avowed willingneſs to embrace the catholic religion. The college repreſented, that all preſidents had ever been appointed by election, and there were few inſtances of the king's interpoſing by his recommendation in favour of any candidate; that having already

CHAP. LXX. 1687.

CHAP. LXX. 1687.

already made a regular election of a president, they could not deprive him of his office, and, during his life-time, substitute any other in his place; that, even if there were a vacancy, Parker, by the statutes of their founder, could not be chosen; that they had all of them bound themselves by oath to observe these statutes, and never on any account to accept of a dispensation; and that the college had at all times so much distinguished itself by its loyalty, that nothing but the most invincible necessity could now oblige them to oppose his majesty's inclinations. All these reasons availed them nothing. The president and all the fellows, except two who complied, were expelled the college; and Parker was put in possession of the office. This act of violence, of all those which were committed during the reign of James, is perhaps the most illegal and arbitrary. When the dispensing power was the most strenuously insisted on by court lawyers, it had still been allowed, that the statutes, which regard private property, could not legally be infringed by that prerogative. Yet in this instance it appeared, that even these were not now secure from invasion. The privileges of a college are attacked: Men are illegally dispossessed of their property, for adhering to their duty, to their oaths, and to their religion: The fountains of the church are attempted to be poisoned; nor would it be long, it was concluded, ere all ecclesiastical, as well as civil preferments, would be bestowed on such as, negligent of honour, virtue, and sincerity, basely sacrificed their faith to the reigning superstition. Such were the general sentiments; and as the universities have an intimate connexion with the ecclesiastical establishments, and mightily interest all those who have there received their education, this arbitrary proceeding begat an universal discontent against the king's administration.

THE

CHAP. LXX.

THE next measure of the court was an insult still more open on the ecclesiastics, and rendered the breach between the king and that powerful body fatal, as well as incurable. It is strange that James, when he felt, from the sentiments of his own heart, what a mighty influence religious zeal had over him, should yet be so infatuated as never once to suspect, that it might possibly have a proportionable authority over his subjects. Could he have profited by repeated experience, he had seen instances enow of their strong aversion to that communion, which, from a violent, imperious temper, he was determined, by every possible expedient, to introduce into his kingdoms. 1687.

THE king published a second declaration of indulgence, almost in the same terms with the former; and he subjoined an order, that, immediately after divine service, it should be read by the clergy in all the churches. As they were known universally to disapprove of the use made of the suspending power, this clause, they thought, could be meant only as an insult upon them; and they were sensible, that, by their compliance, they should expose themselves, both to public contempt, on account of their tame behaviour, and to public hatred, by their indirectly patronizing so obnoxious a prerogative [m]. They were determined, therefore, almost universally to preserve the regard of the people; their only protection, while the laws were become of so little validity, and while the court was so deeply engaged in opposite interests. In order to encourage them in this resolution, six prelates, 1688.

[m] When Charles dissolved his last parliament, he set forth a declaration giving his reasons for that measure, and this declaration the clergy had been ordered to read to the people after divine service. These orders were agreeable to their party prejudices, and they willingly submitted to them. The contrary was now the case.

namely,

CHAP. LXX. 1688.

namely, Lloyde, biſhop of St. Aſaph, Ken of Bath and Wells, Turner of Ely, Lake of Chicheſter, White of Peterborough, and Trelawney of Briſtol, met privately with the primate, and concerted the form of a petition to the king. They there repreſent in few words, that, though poſſeſſed of the higheſt ſenſe of loyalty, a virtue of which the church of England had given ſuch eminent teſtimonies; and though deſirous of affording eaſe, in a legal way, to all proteſtant diſſenters; yet, becauſe the declaration of indulgence was founded on a prerogative, formerly declared illegal by parliament, they could not, in prudence, honour, or conſcience, ſo far make themſelves parties as the diſtribution of it all over the kingdom would be interpreted to amount to. They therefore beſought the king, that he would not inſiſt upon their reading that declaration [n].

THE king was incapable, not only of yielding to the greateſt oppoſition, but of allowing the ſlighteſt and moſt reſpectful contradiction to paſs uncenſured. He immedi-

[n] The words of the petition were: That the great averſeneſs found in themſelves to their diſtributing and publiſhing in all their churches your majeſty's late declaration for liberty of conſcience, proceeds neither from any want of duty and obedience to your majeſty (our holy mother the church of England, being both in her principles and her conſtant practice unqueſtionably loyal, and having to her great honour been more than once publicly acknowledged to be ſo by your gracious majeſty) nor yet from any want of tenderneſs to diſſenters, in relation to whom we are willing to come to ſuch a temper as ſhall be thought fit, when the matter ſhall be conſidered and ſettled in parliament and convocation. But among many other conſiderations, from this eſpecially, becauſe that declaration is founded upon ſuch a diſpenſing power as hath been often declared illegal in parliament, and particularly in the years 1662 and 1672, and in the beginning of your majeſty's reign, and is a matter of ſo great moment and conſequence to the whole nation both in church and ſtate, that your petitioners cannot in prudence, honour, or conſcience ſo far make themſelves parties to it as a diſtribution of it all over the nation, and the ſolemn publication of it once and again, even in God's houſe, and in the time of divine ſervice, muſt amount to in common and reaſonable conſtruction.

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ately embraced a reſolution (and his reſolutions, when once embraced, were inflexible) of puniſhing the biſhops, for a petition ſo popular in its matter, and ſo prudent and cautious in the expreſſion. As the petition was delivered him in private, he ſummoned them before the council; and queſtioned them whether they would acknowledge it. The biſhops ſaw his intention, and ſeemed long deſirous to decline anſwering: But being puſhed by the chancellor, they at laſt avowed the petition. On their refuſal to give bail, an order was immediately drawn for their commitment to the Tower; and the crown lawyers received directions to proſecute them for the ſeditious libel which, it was pretended, they had compoſed and uttered. CHAP. LXX. 1688.

Imprisonment.

THE people were already aware of the danger to which the prelates were expoſed; and were raiſed to the higheſt pitch of anxiety and attention with regard to the iſſue of this extraordinary affair. But when they beheld theſe fathers of the church brought from court under the cuſtody of a guard, when they ſaw them embarked in veſſels on the river, and conveyed towards the Tower, all their affection for liberty, all their zeal for religion, blazed up at once; and they flew to behold this affecting ſpectacle. The whole ſhore was covered with crowds of proſtrate ſpectators, who at once implored the bleſſing of thoſe holy paſtors, and addreſſed their petitions towards Heaven for protection during this extreme danger, to which their country and their religion ſtood expoſed. Even the ſoldiers, ſeized with the contagion of the ſame ſpirit, flung themſelves on their knees before the diſtreſſed prelates, and craved the benediction of thoſe criminals whom they were appointed to guard. Some perſons ran into the water, that they might participate more nearly in thoſe bleſſings, which the prelates were diſtribituting on all around them.

CHAP. LXX. 1688.

them. The biſhops themſelves, during this triumphant ſuffering, augmented the general favour, by the moſt lowly ſubmiſſive deportment; and they ſtill exhorted the people to fear God, honour the king, and maintain their loyalty; expreſſions more animating than the moſt inflammatory ſpeeches. And no ſooner had they entered the precincts of the Tower than they hurried to chapel, in order to return thanks for thoſe afflictions, which Heaven, in defence of its holy cauſe, had thought them worthy to endure.

trial,

THEIR paſſage, when conducted to their trial, was, if poſſible, attended by greater crowds of anxious ſpectators. All men ſaw the dangerous criſis to which affairs were reduced, and were ſenſible that the king could not have put the iſſue on a cauſe more unfavourable for himſelf than that in which he had ſo imprudently engaged. Twenty-nine temporal peers (for the other prelates kept aloof) attended the priſoners to Weſtminſter-hall; and ſuch crowds of gentry followed the proceſſion, that ſcarcely was any room left for the populace to enter. The lawyers for the biſhops were Sir Robert Sawyer, Sir Francis Pemberton, Pollexfen, Treby, and Sommers. No cauſe, even during the proſecution of the popiſh plot, was ever heard with ſo much zeal and attention. The popular torrent, which, of itſelf, ran fierce and ſtrong, was now farther irritated by the oppoſition of government.

THE counſel for the biſhops pleaded, that the law allowed ſubjects, if they thought themſelves aggrieved in any particular, to apply by petition to the king, provided they kept within certain bounds, which the ſame law preſcribed to them, and which, in the preſent petition, the prelates had ſtrictly obſerved: That an active obedience in caſes which were contrary to conſcience, was never pretended to be due to government; and law

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was allowed to be the great meaſure of the compliance and ſubmiſſion of ſubjects; That when any perſon found commands to be impoſed upon him which he could not obey, it was more reſpectful in him to offer his reaſons for refuſal, than to remain in a ſullen and refractory ſilence: That it was no breach of duty in ſubjects, even though not called upon, to diſcover their ſenſe of public meaſures, in which every one had ſo intimate a concern: That the biſhops in the preſent caſe were called upon, and muſt either expreſs their approbation by compliance, or their diſapprobation by petition: That it could be no ſedition to deny the prerogative of ſuſpending the laws; becauſe there really was no ſuch prerogative, nor ever could be, in a legal and limited government: That even if this prerogative were real, it had yet been frequently controverted before the whole nation, both in Weſtminſter-hall, and in both houſes of parliament; and no one had ever dreamed of puniſhing the denial of it as criminal: That the prelates, inſtead of making an appeal to the people, had applied in private to his majeſty, and had even delivered their petition ſo ſecretly, that, except by the confeſſion extorted from them before the council, it was found impoſſible to prove them the authors: And that though the petition was afterwards printed and diſperſed, it was not ſo much as attempted to be proved, that they had the leaſt knowledge of the publication. CHAP. LXX. 1688.

THESE arguments were convincing in themſelves, and were heard with a favourable diſpoſition by the audience. Even ſome of the judges, though their ſeats were held during pleaſure, declared themſelves in favour of the priſoners. The jury, however, from what cauſe is unknown, took ſeveral hours to deliberate, and kept, during ſo long a time, the people in the moſt anxious expectation. But when the wiſhed-for verdict, *not guilty*, was at laſt pronounced, the intelligence was echoed through the hall, 17th June. and acquittal of the biſhops.

CHAP. LXX. 1688.

hall, was conveyed to the crowds without, was carried into the city, and was propagated with infinite joy throughout the kingdom.

Ever ſince Monmouth's rebellion, the king had, every ſummer, encamped his army on Hounſlow-heath, that he might both improve their diſcipline, and by ſo unuſual a ſpectacle overawe the mutinous people. A popiſh chapel was openly erected in the midſt of the camp, and great pains were taken, though in vain, to bring over the ſoldiers to that communion. The few converts, whom the prieſts had made, were treated with ſuch contempt and ignominy, as deterred every one from following the example. Even the Iriſh officers, whom the king introduced into the army, ſerved rather, from the averſion borne them, to weaken his intereſt among them. It happened, that the very day on which the trial of the biſhops was finiſhed, James had reviewed the troops, and had retired into the tent of lord Feverſham, the general; when he was ſurprized to hear a great uproar in the camp, attended with the moſt extravagant ſymptoms of tumultuary joy. He ſuddenly enquired the cauſe, and was told by Feverſham, "It was "nothing but the rejoicing of the ſoldiers for the acquit-"tal of the biſhops." "Do you call that nothing?" replied he, "but ſo much the worſe for them."

The king was ſtill determined to ruſh forward in the ſame courſe, in which he was already, by his precipitate career, ſo fatally advanced. Though he knew, that every order of men, except a handful of catholics, were enraged at his paſt meaſures, and ſtill more terrified with the future proſpect; though he ſaw that the ſame diſcontents had reached the army, his ſole reſource during the general diſſaffection; yet was he incapable of changing his meaſures, or even of remitting his violence in the proſecution of them. He ſtruck out two of the judges,

CHAP. LXX. 1688.

Powel and Holloway, who had appeared to favour the biſhops: He iſſued orders to proſecute all thoſe clergymen who had not read his declaration; that is, the whole church of England, two hundred excepted: He ſent a mandate to the new fellows, whom he had obtruded on Magdalen college, to elect for preſident, in the room of Parker, lately deceaſed, one Gifford, a doctor of the Sorbonne, and titular biſhop of Madura: And he is even ſaid to have nominated the ſame perſon to the ſee of Oxford. So great an infatuation is perhaps an object of compaſſion rather than of anger: And is really ſurprizing in a man, who, in other reſpects, was not wholly deficient in ſenſe and accompliſhments.

A FEW days before the acquittal of the biſhops, an event happened, which, in the king's ſentiments, much overbalanced all the mortifications received on that occaſion. The queen was delivered of a ſon, who was baptized by the name of James. This bleſſing was impatiently longed for, not only by the king and queen, but by all the zealous catholics both abroad and at home. They ſaw, that the king was paſt middle age; and that on his death the ſucceſſion muſt devolve to the prince and princeſs of Orange, two zealous proteſtants, who would ſoon replace every thing on ancient foundations. Vows therefore were offered at every ſhrine for a male ſucceſſor: Pilgrimages were undertaken, particularly one to Loretto, by the dutcheſs of Modena; and ſucceſs was chiefly attributed to that pious journey. But in proportion as this event was agreeable to the catholics, it encreaſed the diſguſt of the proteſtants, by depriving them of that pleaſing, though ſomewhat diſtant proſpect, in which at preſent they flattered themſelves. Calumny even went ſo far as to aſcribe to the king the deſign of impoſing on the world a ſuppoſititious child, who might be educated in his principles, and after his death ſupport the cath-

10th June. Birth of the prince of Wales.

CHAP. LXX.

1688.

religion in his dominions. The nation almoſt univerſally believed him capable, from bigotry, of committing any crime; as they had ſeen, that, from like motives, he was guilty of every imprudence: And the affections of nature, they thought, would be eaſily ſacrificed to the ſuperior motive of propagating a catholic and orthodox faith. The preſent occaſion was not the firſt, when that calumny had been invented. In the year 1682, the queen, then dutcheſs of York, had been pregnant; and rumours were ſpread that an impoſture would at that time be obtruded upon the nation: But happily, the infant proved a female, and thereby ſpared the party all the trouble of ſupporting their improbable fiction [o].

[o] This ſtory is taken notice of in a weekly paper, the Obſervator, publiſhed at that very time, 23d of Auguſt, 1682. Party zeal is capable of ſwallowing the moſt incredible ſtory; but it is ſurely ſingular, that the ſame calumny, when once baffled, ſhould yet be renewed with ſuch ſucceſs.

CHAP. LXXI.

Conduct of the prince of Orange —— He forms a league againſt France —— refuſes to concur with the king —— reſolves to oppoſe the king —— Is applied to by the Engliſh —— Coalition of parties —— Prince's preparations —— Offers of France to the king —— rejected —— Suppoſed league with France —— General diſcontents —— The king retracts his meaſures —— Prince's declaration —— The prince lands in England —— General commotion —— Deſertion of the army —— and of prince George —— and of the princeſs Anne —— King's conſternation —— and flight —— General confuſion —— King ſeized at Feverſham —— Second eſcape —— King's character —— Convention ſummoned —— Settlement of Scotland —— Engliſh convention meets —— Views of the parties —— Free conference between the houſes —— Commons prevail —— Settlement of the crown —— Manners and ſciences.

CHAP. LXXI.

1688.

WHILE every motive, civil and religious, concurred to alienate from the king every rank and denomination of men, it might be expected that his throne would, without delay, fall to pieces by its own weight: But ſuch is the influence of eſtabliſhed government; ſo averſe are men from beginning hazardous enterprizes; that, had not an attack been made from abroad, affairs might long have remained in their preſent delicate

CHAP. LXXI.

situation, and James might at laſt have prevailed in his raſh and ill-concerted projects.

1685. Conduct of the prince of Orange.

THE prince of Orange, ever ſince his marriage with the lady Mary, had maintained a very prudent conduct; agreeably to that ſound underſtanding, with which he was ſo eminently endowed. He made it a maxim to concern himſelf little in Engliſh affairs, and never by any meaſure to diſguſt any of the factions, or give umbrage to the prince, who filled the throne. His natural inclination, as well as his intereſt, led him to employ himſelf with aſſiduous induſtry in the tranſactions on the continent, and to oppoſe the grandeur of the French monarch, againſt whom he had long, both from perſonal and political conſiderations, conceived a violent animoſity. By this conduct, he gratified the prejudices of the whole Engliſh nation: But as he croſſed the inclinations of Charles, who ſought peace by compliance with France, he had much declined in the favour and affections of that monarch.

JAMES on his acceſſion found it ſo much his intereſt to live on good terms with the heir apparent, that he ſhowed the prince ſome demonſtrations of friendſhip; and the prince, on his part, was not wanting in every inſtance of duty and regard towards the king. On Monmouth's invaſion, he immediately diſpatched over ſix regiments of Britiſh troops, which were in the Dutch ſervice; and he offered to take the command of the king's forces againſt the rebels. How little ſoever he might approve of James's adminiſtration, he always kept a total ſilence on the ſubject, and gave no countenance to thoſe diſcontents, which were propagated with ſuch induſtry throughout the nation.

IT was from the application of James himſelf, that the prince firſt openly took any part in Engliſh affairs.

Not-

CHAP. LXXI. 1688.

Notwithſtanding the lofty ideas which the king had entertained of his prerogative, he found, that the edicts emitted from it ſtill wanted much of the authority of laws, and that the continuance of them might in the iſſue become dangerous, both to himſelf and to the catholics, whom he deſired to favour. An act of parliament alone could inſure the indulgence or toleration, which he had laboured to eſtabliſh; and he hoped, that, if the prince would declare in favour of that ſcheme, the members, who had hitherto reſiſted all his own applications, would at laſt be prevailed with to adopt it. The conſent, therefore, of the prince to the repeal of the penal ſtatutes and of the teſt was ſtrongly ſolicited by the king; and in order to engage him to agree to that meaſure, hopes were given [P], that England would ſecond him in all thoſe enterprizes, which his active and extenſive genius had with ſuch ſucceſs planned on the continent. He was at this time the centre of all the negociations of Chriſtendom.

He forms a league againſt France.

THE emperor and the king of Spain, as the prince well knew, were enraged by the repeated injuries which they had ſuffered from the ambition of Lewis, and ſtill more by the frequent inſults which his pride had made them undergo. He was apprized of the influence of theſe monarchs over the catholic princes of the empire: He had himſelf acquired great authority with the proteſtants: And he formed a project of uniting Europe in one general league againſt the encroachments of France, which ſeemed ſo nearly to threaten the independence of all its neighbours.

No characters are more incompatible than thoſe of a conqueror and a perſecutor; and Lewis ſoon found, that beſides his weakening France by the baniſhment of

[P] Burnet, vol. i. p. 711. D'Avaux, 15th of April, 1688.

CHAP. LXXI.

1688.

ſo many uſeful ſubjects, the refugees had enflamed all the proteſtant nations againſt him, and had raiſed him enemies, who, in defence of their religion as well as liberty, were obſtinately reſolved to oppoſe his progreſs. The city of Amſterdam and other towns in Holland, which had before fallen into a dependance on France, being terrified with the accounts, which they every moment received, of the furious perſecutions againſt the Hugonots, had now dropped all domeſtic faction, and had entered into an entire confidence with the prince of Orange [q]. The proteſtant princes of the empire formed a ſeparate league at Magdebourg for the defence of their religion. The Engliſh were anew enraged at the blind bigotry of their ſovereign, and were diſpoſed to embrace the moſt deſperate reſolutions againſt him. From a view of the ſtate of Europe during this period, it appears, that Lewis, beſides ſullying an illuſtrious reign, had wantonly by this perſecution raiſed invincible barriers to his arms, which otherwiſe it had been difficult, if not impoſſible, to reſiſt.

THE prince of Orange knew how to avail himſelf of all theſe advantages. By his intrigues and influence there was formed at Augſbourg a league, in which the whole empire united for its defence againſt the French monarch. Spain and Holland became parties in the alliance. The acceſſion of Savoy was afterwards obtained. Sweden and Denmark ſeemed to favour the ſame cauſe. But though theſe numerous ſtates compoſed the greater part of Europe, the league was ſtill deemed imperfect and unequal to its end; ſo long as England maintained that neutrality, in which ſhe had hitherto perſevered.

[q] D'Avaux, 24th of July, 1681; 10th of June, 15th of October, 11th of November, 1688; vol. iv. p. 30.

CHAP. LXXI.

1688.

JAMES, though more prone to bigotry, was more ſenſible to his own and to national honour than his brother; and had he not been reſtrained by the former motive, he would have maintained with more ſpirit the intereſts and independance of his kingdoms. When a proſpect, therefore, appeared of effecting his religious ſchemes by oppoſing the progreſs of France, he was not averſe to that meaſure; and he gave his ſon-in-law room to hope, that, by concurring with his views in England, he might prevail with him to ſecond thoſe projects, which the prince was ſo ambitious of promoting.

Refuſes to concur with the king.

A MORE tempting offer could not be made to a perſon of his enterprizing character: But the objections to that meaſure, upon deliberation, appeared to him unſurmountable. The king, he obſerved, had incurred the hatred of his own ſubjects: Great apprehenſions were entertained of his deſigns: The only reſource, which the nation ſaw, was in the future ſucceſſion of the prince and princeſs: Should *he* concur in thoſe dreaded meaſures, he ſhould draw on himſelf all the odium under which the king laboured: The nation might even refuſe to bear the expence of alliances, which would in that caſe become ſo ſuſpicious: And he might himſelf incur danger of loſing a ſucceſſion which was awaiting him, and which the egregious indiſcretion of the king ſeemed even to give him hopes of reaping, before it ſhould devolve to him by the courſe of nature. The prince, therefore, would go no farther than to promiſe his conſent to the repeal of the penal ſtatutes, by which the non-conformiſts as well as catholics were expoſed to puniſhment: The teſt he deemed a ſecurity abſolutely neceſſary for the eſtabliſhed religion.

THE king did not remain ſatisfied with a ſingle trial. There was one Stuart, a Scotch lawyer, who had been baniſhed for pretended treaſonable practices; but who had afterwards obtained a pardon, and had been recalled. By

CHAP. LXXI. 1688.

the king's directions, Stuart wrote ſeveral letters to penſionary Fagel, with whom he had contracted an acquaintance in Holland; and beſides urging all the motives for an unlimited toleration, he deſired, that his reaſons ſhould, in the king's name, be communicated to the prince and princeſs of Orange. Fagel during a long time made no reply; but finding that his ſilence was conſtrued into an aſſent, he at laſt expreſſed his own ſentiments and thoſe of their Highneſſes. He ſaid, that it was their fixed opinion, that no man, merely becauſe he differed from the eſtabliſhed faith, ſhould ever, while he remained a peaceable ſubject, be expoſed to any puniſhment or even vexation. That the prince and princeſs gave heartily their conſent for repealing legally all the penal ſtatutes, as well thoſe which had been enacted againſt the catholics as againſt the proteſtant non conformiſts; and would concur with the king in any meaſure for that purpoſe. That the teſt was not to be conſidered as a penalty inflicted on the profeſſors of any religion, but as a ſecurity provided for the eſtabliſhed worſhip. That it was no puniſhment on men to be excluded from public offices, and to live peaceably on their own revenues or induſtry. That even in the United Provinces, which were ſo often cited as models of toleration, though all ſects were admitted, yet civil offices were enjoyed by the profeſſors of the eſtabliſhed religion alone. That military commands, indeed, were ſometimes beſtowed on catholics; but as they were conferred with great precaution, and ſtill lay under the controul of the magiſtrate, they could give no juſt reaſon for umbrage. And that their Highneſſes, however deſirous of gratifying the king, and of endeavouring, by every means, to render his reign peaceable and happy, could not agree to any meaſure which would expoſe their religion to ſuch imminent danger.

WHEN

CHAP. LXXI.

1688.

WHEN this letter was publiſhed, as it ſoon was, it inſpired great courage into the proteſtants of all denominations, and ſerved to keep them united in their oppoſition to the encroachments of the catholics. On the other hand, the king, who was not content with a ſimple toleration for his own religion, but was reſolved that it ſhould enjoy great credit, if not an abſolute ſuperiority, was extremely diſguſted, and took every occaſion to expreſs his diſpleaſure, as well againſt the prince of Orange as the United Provinces. He gave the Algerine pirates, who preyed on the Dutch, a reception in his harbours, and liberty to diſpoſe of their prizes. He revived ſome complaints of the Eaſt India company with regard to the affair of Bantam[r]. He required the ſix Britiſh regiments in the Dutch ſervice to be ſent over. He began to put his navy in a formidable condition. And from all his movements, the Hollanders entertained apprehenſions, that he ſought only an occaſion and pretence for making war upon them.

Reſolves to oppoſe the king.

THE prince in his turn reſolved to puſh affairs with more vigour, and to preſerve all the Engliſh proteſtants in his intereſts, as well as maintain them firm in their preſent union againſt the catholics. He knew, that men of education in England were, many of them, retained in their religion more by honour than by principle[s]; and that, though every one was aſhamed to be the firſt proſelyte, yet if the example were once ſet by ſome eminent perſons, intereſt would every day make conſiderable converſions to a communion, which was ſo zealouſly encouraged by the ſovereign. Dykvelt therefore was ſent over as envoy to England; and the prince gave him inſtructions, beſides publicly remonſtrating on the conduct of affairs both at home and abroad, to apply in his name, after a proper manner, to every ſect and denomination. To the church party he ſent aſſurances of favour and regard, and proteſted, that his education in Holland had

[r] D'Avaux, 21ſt of January, 1687. [s] Burnet.

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CHAP. LXXI.

1688.

nowiſe prejudiced him againſt epiſcopal government. The non-conformiſts were exhorted not to be deceived by the fallacious careſſes of a popiſh court, but to wait patiently till, in the fullneſs of time, laws, enacted by proteſtants, ſhould give them that toleration, which, with ſo much reaſon, they had long demanded. Dykvelt executed his commiſſion with ſuch dexterity, that all orders of men caſt their eyes towards Holland, and expected thence a deliverance from thoſe dangers, with which their religion and liberty were ſo nearly threatened.

Is applied to by the Engliſh.

MANY of the moſt conſiderable perſons, both in church and ſtate, made ſecret applications to Dykvelt, and through him to the prince of Orange. Admiral Herbert too, though a man of great expence, and ſeemingly of little religion, had thrown up his employments, and had retired to the Hague, where he aſſured the prince of the diſaffection of the ſeamen, by whom that admiral was extremely beloved. Admiral Ruſſel, couſin-german to the unfortunate lord of that name, paſſed frequently between England and Holland, and kept the communication open with all the great men of the proteſtant party. Henry Sidney, brother to Algernon, and uncle to the earl of Sunderland, came over under pretence of drinking the waters at Spaw, and conveyed ſtill ſtronger aſſurances of an univerſal combination againſt the meaſures of the king. Lord Dumblaine, ſon of the earl of Danby, being maſter of a frigate, made ſeveral voyages to Holland, and carried from many of the nobility tenders of duty, and even conſiderable ſums of money [t], to the prince of Orange.

THERE remained, however, ſome reaſons, which retained all parties in awe, and kept them from breaking out into immediate hoſtility. The prince, on the one hand, was afraid of hazarding, by violent meaſures, an

[t] D'Avaux, 14th and 24th of September, 8th and 15th of October, 1688.

inherit-

inheritance which the laws enſured to the princeſs; and the Engliſh proteſtants, on the other, from the proſpect of her ſucceſſion, ſtill entertained hopes of obtaining at laſt a peaceable and a ſafe redreſs of all their grievances. But when a ſon was born to the king, both the prince and the Engliſh nation were reduced to deſpair, and ſaw no reſource but in a confederacy for their mutual intereſts. And thus the event, which James had ſo long made the object of his moſt ardent prayers, and from which he expected the firm eſtabliſhment of his throne, proved the immediate cauſe of his ruin and downfal. CHAP. LXXI. 1688.

ZUYLESTEIN, who had been ſent over to congratulate the king on the birth of his ſon, brought back to the prince invitations from moſt of the great men in England, to aſſiſt them, by his arms, in the recovery of their laws and liberties. The biſhop of London, the earls of Danby, Nottingham, Devonſhire, Dorſet, the duke of Norfolk, the lords Lovelace, Delamere, Paulet, Eland, Mr. Hambden, Powle, Leſter, beſides many eminent citizens of London; all theſe perſons, though of oppoſite parties, concurred in their applications to the prince. The whigs, ſuitably to their ancient principles of liberty, which had led them to attempt the excluſion bill, eaſily agreed to oppoſe a king, whoſe conduct had juſtified whatever his worſt enemies had prognoſticated concerning his ſucceſſion. The tories and the church party, finding their paſt ſervices forgotten, their rights invaded, their religion threatened, agreed to drop for the preſent all over-ſtrained doctrines of ſubmiſſion, and attend to the great and powerful dictates of nature. The non-conformiſts, dreading the careſſes of known and inveterate enemies, deemed the offers of toleration more ſecure from a prince, educated in thoſe principles, and accuſtomed to that practice. And thus all faction was for a time laid aſleep in England; and rival parties, forgetting their animoſity, had ſecretly concurred in a deſign of reſiſting their unhappy and miſguided

Coalition of parties.

CHAP. LXXI.

1688.

guided ſovereign. The earl of Shrewſbury, who had acquired great popularity by deſerting, at this time, the catholic religion, in which he had been educated, left his regiment, mortgaged his eſtate for forty thouſand pounds, and made a tender of his ſword and purſe to the prince of Orange. Lord Wharton, notwithſtanding his age and infirmities, had taken a journey for the ſame purpoſe. Lord Mordaunt was at the Hague, and puſhed on the enterprize with that ardent and courageous ſpirit, for which he was ſo eminent. Even Sunderland, the king's favourite miniſter, is believed to have entered into a correſpondence with the prince; and at the expence of his own honour and his maſter's intereſts, to have ſecretly favoured a cauſe, which, he foreſaw, was likely ſoon to predominate [u].

THE prince was eaſily engaged to yield to the applications of the Engliſh, and to embrace the defence of a nation, which, during its preſent fears and diſtreſſes, regarded him as its ſole protector. The great object of his ambition was to be placed at the head of a confederate army, and by his valour to avenge the injuries, which he himſelf, his country, and his allies, had ſuſtained from the haughty Lewis. But while England remained under the preſent government, he deſpaired of ever forming a league which would be able, with any probability of ſucceſs, to make oppoſition againſt that powerful monarch. The tyes of affinity could not be ſuppoſed to have great influence over a perſon of the prince's rank and temper; much more, as he knew, that they were at firſt unwillingly contracted by the king, and had never ſince been cultivated by any eſſential favours or good offices. Or ſhould any reproach remain upon him for violating the duties of private life; the glory of delivering oppreſſed

[u] D'Avaux was always of that opinion. See his negociations 6 h and 20th May, 18th, 27th of September, 22d of November, 1688. On the whole, that opinion is the moſt probable.

nations

nations would, he hoped, be able, in the eyes of reaſonable men, to make ample compenſation. He could not well expect, on the commencement of his enterprize, that it would lead him to mount the throne of England: But he undoubtedly foreſaw, that its ſucceſs would eſtabliſh his authority in that kingdom. And ſo egregious was James's temerity, that there was no advantage, ſo great or obvious, which that prince's indiſcretion might not afford his enemies. CHAP. LXXI. 1688.

THE prince of Orange, throughout his whole life, was peculiarly happy in the ſituations in which he was placed. He ſaved his own country from ruin, he reſtored the liberties of theſe kingdoms, he ſupported the general independency of Europe. And thus, though his virtue it is confeſſed, be not the pureſt which we meet with in hiſtory, it will be difficult to find any perſon, whoſe actions and conduct have contributed more eminently to the general intereſts of ſociety and of mankind.

THE time, when the prince entered on his enterprize, was well choſen; as the people were then in the higheſt ferment, on account of the inſult which the impriſonment and trial of the biſhops had put upon the church, and indeed upon all the proteſtants of the nation. His method of conducting his preparations was no leſs wiſe and politic. Under other pretences he had beforehand made conſiderable augmentations to the Dutch navy; and the ſhips were at that time lying in harbour. Some additional troops were alſo levied; and ſums of money, raiſed for other purpoſes, were diverted by the prince to the uſe of this expedition. The States had given him their entire confidence; and partly from terror of the power of France, partly from diſguſt at ſome reſtraints laid on their commerce in that kingdom, were ſenſible how neceſſary ſucceſs in this enterprize was become to their domeſtic happineſs and ſecurity. Many of the neigh- Prince's preparations.

CHAP. LXXI.

1688.

neighbouring princes regarded him as their guardian and protector, and were guided by him in all their counſels. He held conferences with Caſtanaga, governor of the Spaniſh Netherlands, with the electors of Brandenburgh and Saxony, with the Landgrave of Heſſe-Caſſel, and with the whole houſe of Lunenbourg. It was agreed, that theſe princes ſhould replace the troops employed againſt England, and ſhould protect the United Provinces during the abſence of the prince of Orange. Their forces were already on their march for that purpoſe: A conſiderable encampment of the Dutch army was formed at Nimeguen: Every place was in movement; and though the roots of this conſpiracy reached from one end of Europe to the other, ſo ſecret were the prince's counſels, and ſo fortunate was the ſituation of affairs, that he could ſtill cover his preparations under other pretences; and little ſuſpicion was entertained of his real intentions.

THE king of France, menaced by the league of Augſbourg, had reſolved to ſtrike the firſt blow againſt the allies; and having fought a quarrel with the emperor and the elector Palatine, he had invaded Germany with a great army, and had laid ſiege to Philipſbourg. The elector of Cologne, who was alſo biſhop of Liege and Munſter, and whoſe territories almoſt entirely ſurrounded the United Provinces, had died about this time; and the candidates for that rich ſucceſſion were prince Clement of Bavaria, ſupported by the houſe of Auſtria, and the cardinal of Furſtemberg, a prelate dependant on France. The pope, who favoured the allies, was able to throw the balance between the parties, and prince Clement was choſen; a circumſtance which contributed extremely to the ſecurity of the States. But as the cardinal kept poſſeſſion of many of the fortreſſes, and had applied to France for ſuccour, the neighbouring territories were full

full of troops; and by this means the preparations of the Dutch and their allies ſeemed intended merely for their own defence againſt the different enterprizes of Lewis. CHAP. LXXI. 1688.

ALL the artifices, however, of the prince could not entirely conceal his real intentions from the ſagacity of the French court. D'Avaux, Lewis's envoy at the Hague, had been able, by a compariſon of circumſtances, to trace the purpoſes of the preparations in Holland; and he inſtantly informed his maſter of the diſcovery. Lewis conveyed the intelligence to James; and accompanied the information with an important offer. He was willing to join a ſquadron of French ſhips to the Engliſh fleet; and to ſend over any number of troops, which James ſhould judge requiſite for his ſecurity. When this propoſal was rejected, he again offered to raiſe the ſiege of Philipſbourg, to march his army into the Netherlands, and by the terror of his arms to detain the Dutch forces in their own country. This propoſal met with no better reception. Offers of France to the king, rejected.

JAMES was not, as yet, entirely convinced, that his ſon-in-law intended an invaſion upon England. Fully perſuaded, himſelf, of the ſacredneſs of his own authority, he fancied, that a like belief had made deep impreſſion on his ſubjects; and notwithſtanding the ſtrong ſymptoms of diſcontent which broke out every where, ſuch an univerſal combination in rebellion appeared to him no wiſe credible. His army, in which he truſted, and which he had conſiderably augmented, would eaſily be able, he thought, to repeal foreign force, and to ſuppreſs any ſedition among the populace. A ſmall number of French troops, joined to theſe, might tend only to breed diſcontent; and afford them a pretence for mutinying againſt foreigners, ſo much feared and hated by the nation. A great body of auxiliaries might indeed ſecure him both againſt an invaſion from Holland, and againſt the

CHAP. LXXI. 1688.

the rebellion of his own ſubjects; but would be able afterwards to reduce him to dependance, and render his authority entirely precarious. Even the French invaſion of the Low Countries might be attended with dangerous conſequences; and would ſuffice, in theſe jealous times, to revive the old ſuſpicion of a combination againſt Holland, and againſt the proteſtant religion; a ſuſpicion, which had already produced ſuch diſcontents in England. Theſe were the views ſuggeſted by Sunderland; and it muſt be confeſſed, that the reaſons on which they were founded, were ſufficiently plauſible; as indeed the ſituation, to which the king had reduced himſelf, was, to the laſt degree, delicate and perplexing.

STILL Lewis was unwilling to abandon a friend and ally, whoſe intereſts he regarded as cloſely connected with his own. By the ſuggeſtion of Skelton, the king's miniſter at Paris, orders were ſent to D'Avaux to remonſtrate with the States, in Lewis's name, againſt thoſe preparations which they were making to invade England. The ſtrict amity, ſaid the French miniſter, which ſubſiſts between the two monarchs will make Lewis regard every attempt againſt his ally as an act of hoſtility againſt himſelf. This remonſtrance had a bad effect, and put the States in a flame. What is this alliance, they aſked, between France and England, which has been ſo carefully concealed from us? Is it of the ſame nature with the former; meant for our deſtruction, and for the extirpation of the proteſtant religion? If ſo, it is high time for us to provide for our own defence, and to anticipate thoſe projects which are forming againſt us.

EVEN James was diſpleaſed with this officious ſtep taken by Lewis for his ſervice. He was not reduced, he ſaid, to the condition of the cardinal of Furſtemberg, and obliged to ſeek the protection of France. He recalled Skelton, and threw him into the Tower for his raſh

CHAP. LXXI. 1688.

raſh conduct. He ſolemnly diſavowed D'Avaux's memorial; and proteſted, that no alliance ſubſiſted between him and Lewis, but what was public and known to all the world. The States, however, ſtill affected to appear incredulous on that head [x]; and the Engliſh, prepoſſeſſed againſt their ſovereign, firmly believed, that he had concerted a project with Lewis for their entire ſubjection. Portſmouth, it was ſaid, was to be put into the hands of that ambitious monarch: England was to be filled with French and Iriſh troops: And every man, who refuſed to embrace the Romiſh ſuperſtition, was by theſe bigoted princes devoted to certain deſtruction.

THESE ſuggeſtions were every where ſpread abroad, and tended to augment the diſcontents, of which both the fleet and army, as well as the people, betrayed every day the moſt evident ſymptoms. The fleet had begun to mutiny; becauſe Stricland, the admiral, a Roman catholic, introduced the maſs aboard his ſhip, and diſmiſſed the proteſtant chaplain. It was with ſome difficulty the ſeamen could be appeaſed; and they ſtill perſiſted in declaring, that they would not fight againſt the Dutch, whom they called friends and brethren, but would willingly give battle to the French, whom they regarded as national enemies. The king had intended to augment his army with Iriſh recruits, and he reſolved to try the experiment on the regiment of the duke of Berwic, his natural ſon: But Beaumont, the lieutenant-colonel, refuſed to admit them; and to this oppoſition five captains ſteadily adhered. They were all caſhiered; and had not the diſcontents of the army on this occaſion become very

[x] That there really was no new alliance formed betwixt France and England appears both from Sunderland's apology, and from D'Avaux's negociations, lately publiſhed: See vol. iv. p. 18. Eng. tranſlations, 27th of September, 1687. 16th of March, 6th of May, 10th of Auguſt, 2d, 23d, and 24th of September, 5th and 7th of October, 11th of November, 1688.

CHAP. LXXI.

apparent, it was reſolved to have puniſhed thoſe officers for mutiny.

1688.

THE king made a trial of the diſpoſitions of his army, in a manner ſtill more undiſguiſed. Finding oppoſition from all the civil and eccleſiaſtical orders of the kingdom, he reſolved to appeal to the military, who, if unanimous, were able alone to ſerve all his purpoſes, and to enforce univerſal obedience. His intention was to engage all the regiments, one after another, to give their conſent to the repeal of the teſt and penal ſtatutes; and accordingly, the major of Litchfield's drew out the battalion before the king, and told them, that they were required either to enter into his majeſty's views in theſe particulars, or to lay down their arms. James was ſurprized to find, that, two captains, and a few popiſh ſoldiers excepted, the whole battalion immediately embraced the latter part of the alternative. For ſome time he remained ſpeechleſs; but having recovered from his aſtoniſhment, he commanded them to take up their arms; adding with a ſullen, diſcontented air, "That for the future, he would not do them "the honour to apply for their approbation."

WHILE the king was diſmayed with theſe ſymptoms of general diſaffection, he received a letter from the marqueſs
23d Sept. of Albeville, his miniſter at the Hague, which informed him with certainty, that he was ſoon to look for a powerful invaſion from Holland, and that penſionary Fagel had at length acknowledged, that the ſcope of all the Dutch naval preparations was to tranſport forces into England. Though James could reaſonably expect no other intelligence, he was aſtoniſhed at the news: He grew pale, and the letter dropped from his hand: His eyes were now opened, and he found himſelf on the brink of a frightful precipice, which his deluſions had hitherto concealed from him. His miniſters and counſellors, equally aſtoniſhed, ſaw no reſource but in a ſudden and precipitate

CHAP. LXXI.

1688.

retraction of all thoſe fatal meaſures by which he had created to himſelf ſo many enemies, foreign and domeſtic. He paid court to the Dutch, and offered to enter into any alliance with them for common ſecurity: He replaced in all the counties the deputy-lieutenants and juſtices, who had been deprived of their commiſſions for their adherence to the teſt and the penal laws: He reſtored the charters of London, and of all the corporations: He annulled the court of eccleſiaſtical commiſſion: He took off the biſhop of London's ſuſpenſion: He re-inſtated the expelled preſident and fellows of Magdalen college: And he was even reduced to careſs thoſe biſhops whom he had ſo lately proſecuted and inſulted. All theſe meaſures were regarded as ſymptoms of fear, not of repentance. The biſhops, inſtead of promiſing ſuccour, or ſuggeſting comfort, recapitulated to him all the inſtances of his mal-adminiſtration, and adviſed him thenceforwards to follow more ſalutary counſel. And as intelligence arrived of a great diſaſter which had befallen the Dutch fleet, it is commonly believed, that the king recalled, for ſome time, the conceſſions which he had made to Magdalen college: A bad ſign of his ſincerity in his other conceſſions. Nay, ſo prevalent were his unfortunate prepoſſeſſions, that, amidſt all his preſent diſtreſſes, he could not forbear, at the baptiſm of the young prince, appointing the pope to be one of the godfathers.

The king retracts his meaſures.

THE report, that a ſuppoſititious child was to be impoſed on the nation, had been widely ſpread, and greedily received, before the birth of the prince of Wales: But the king, who, without ſeeming to take notice of the matter, might eaſily have quaſhed that ridiculous rumour, had, from an ill-timed haughtineſs, totally neglected it. He diſdained, he ſaid, to ſatisfy thoſe who could deem him capable of ſo baſe and villanous an action. Find-

CHAP. LXXI. 1688.

ing that the calumny gained ground, and had made deep impreſſion on his ſubjects, he was now obliged to ſubmit to the mortifying taſk of aſcertaining the reality of the birth. Though no particular attention had been beforehand given to enſure proof, the evidence, both of the queen's pregnancy and delivery was rendered indiſputable; and ſo much the more, as no argument or proof of any importance, nothing but popular rumour and ſurmiſe, could be thrown into the oppoſite ſcale.

Prince's declaration.

MEANWHILE, the prince of Orange's declaration was diſperſed over the kingdom, and met with univerſal approbation. All the grievances of the nation were there enumerated: The diſpenſing and ſuſpending power; the court of eccleſiaſtical commiſſion; the filling of all offices with catholics, and the raiſing of a Jeſuit to be privy-counſellor; the open encouragement given to popery, by building every where churches, colleges, and ſeminaries for that ſect; the diſplacing of judges, if they refuſed to give ſentence according to orders received from court; the annulling of the charters of all the corporations, and the ſubjecting of elections to arbitrary will and pleaſure; the treating of petitions, even the moſt modeſt, and from perſons of the higheſt rank, as criminal and ſeditious; the committing of the whole authority of Ireland, civil and military, into the hands of papiſts; the aſſuming of an abſolute power over the religion and laws of Scotland, and openly exacting in that kingdom an obedience without reſerve; and the violent preſumptions againſt the legitimacy of the prince of Wales. In order to redreſs all theſe grievances, the prince ſaid that he intended to come over to England with an armed force, which might protect him from the king's evil counſellors: And that his ſole aim was to have a legal and free parliament aſſembled, who might provide for the ſafety and liberty of the nation, as well

CHAP. LXXI. 1688.

as examine the proofs of the prince of Wales's legitimacy. No one, he added, could entertain ſuch hard thoughts of him as to imagine, that he had formed any other deſign than to procure the full and laſting ſettlement of religion, liberty, and property. The force which he meant to bring with him was totally diſproportioned to any views of conqueſt; and it were abſurd to ſuſpect, that ſo many perſons of high rank, both in church and ſtate, would have given him ſo many ſolemn invitations for ſuch a pernicious purpoſe. Though the Engliſh miniſters, terrified with his enterprize, had pretended to redreſs ſome of the grievances complained of; there ſtill remained the foundation of all grievances, that upon which they could in an inſtant be again erected, an arbitrary and deſpotic power in the crown. And for this uſurpation there was no poſſible remedy, but by a full declaration of all the rights of the ſubject in a free parliament.

So well concerted were the prince's meaſures, that, in three days, above four hundred tranſports were hired; the army quickly fell down the rivers and canals from Nimeguen; the artillery, arms, ſtores, and horſes, were embarked; and the prince ſet ſail from Helvoet-Sluice, with a fleet of near five hundred veſſels, and an army of above fourteen thouſand men. He firſt encountered a ſtorm, which drove him back: But his loſs being ſoon repaired, the fleet put to ſea under the command of admiral Herbert, and made ſail with a fair wind towards the weſt of England. The ſame wind detained the king's fleet in their ſtation near Harwich, and enabled the Dutch to paſs the ſtreights of Dover without oppoſition. Both ſhores were covered with multitudes of people, who, beſides admiring the grandeur of the ſpectacle, were held in anxious ſuſpenſe by the proſpect of an enterprize, the moſt important, which, dur-

21ſt of October.

CHAP. LXXI

1688.

ing ſome ages, had been undertaken in Europe. The prince had a proſperous voyage, and landed his army ſafely in Torbay on the fifth of November, the anniverſary of the gunpowder-treaſon.

THE Dutch army marched firſt to Exeter; and the prince's declaration was there publiſhed. That whole county was ſo terrified with the executions which had enſued upon Monmouth's rebellion, that no one for ſeveral days joined the prince. The biſhop of Exeter in a fright fled to London, and carried to court intelligence of the invaſion. As a reward of his zeal, he received the archbiſhopric of York, which had long been kept vacant, with an intention, as was univerſally believed, of beſtowing it on ſome catholic. The firſt perſon who joined the prince was major Burrington; and he was quickly followed by the gentry of the counties of Devon and Somerſet. Sir Edward Seymour made propoſals for an aſſociation, which every one ſigned. By degrees, the earl of Abingdon, Mr. Ruſſel, ſon of the earl of Bedford, Mr. Wharton, Godfrey, Howe came to Exeter. All England was in commotion. Lord Delamere took arms in Cheſhire, the earl of Danby ſeized York, the earl of Bath, governor of Plymouth, declared for the prince, the earl of Devonſhire made a like declaration in Derby. The nobility and gentry of Nottinghamſhire embraced the ſame cauſe; and every day there appeared ſome effect of that univerſal combination into which the nation had entered againſt the meaſures of the king. Even thoſe who took not the field againſt him, were able to embarraſs and confound his counſels. A petition for a free parliament was ſigned by twenty-four biſhops and peers of the greateſt diſtinction, and was preſented to the king. No one thought of oppoſing or reſiſting the invader.

General commotion.

BUT the moſt dangerous ſympton was the diſaffection which from the general ſpirit of the nation, not from any particular

CHAP. LXXI.

1688 Defertion of the army.

particular reaſon, had creeped into the army. The officers ſeemed all diſpoſed to prefer the intereſts of their country and of their religion to thoſe principles of honour and fidelity, which are commonly eſteemed the moſt ſacred ties by men of that profeſſion. Lord Colcheſter, ſon of the earl of Rivers, was the firſt officer that deſerted to the prince; and he was attended by a few of his troops. Lord Lovelace make a like effort; but was intercepted by the militia under the duke of Beaufort, and taken priſoner: Lord Cornbury, ſon of the earl of Clarendon, was more ſucceſsful. He attempted to carry over three regiments of cavalry; and he actually brought a conſiderable part of them to the prince's quarters. Several officers of diſtinction informed Feverſham, the general, that they could not in conſcience fight againſt the prince of Orange.

Lord Churchill had been raiſed from the rank of a page, had been inveſted with a high command in the army, had been created a peer, and had owed his whole fortune to the king's favour: Yet even he could reſolve, during the preſent extremity, to deſert his unhappy maſter, who had ever repoſed entire confidence in him. He carried with him the duke of Grafton, natural ſon of the late king, colonel Berkeley, and ſome troops of dragoons. This conduct was a ſignal ſacrifice to public virtue of every duty in private life; and required, ever after, the moſt upright, diſintereſted, and public ſpirited behaviour, to render it juſtifiable.

The king had arrived at Saliſbury, the head-quarters of his army, when he received this fatal intelligence. That prince, though a ſevere enemy, had ever appeared a warm, ſteady, and ſincere friend; and he was extremely ſhocked with this, as with many other inſtances of ingratitude, to which he was now expoſed. There remained none in whom he could confide. As the whole

CHAP. LXXI. 1688.

army had discovered symptoms of discontent, he concluded it full of treachery; and being deserted by those whom he had most favoured and obliged, he no longer expected that others would hazard their lives in his service. During this distraction and perplexity, he embraced a sudden resolution of drawing off his army, and retiring towards London: A measure which could only serve to betray his fears, and provoke farther treachery.

25th of November.

But Churchill had prepared a still more mortal blow for his distressed benefactor. His lady and he had an entire ascendant over the family of prince George of Denmark; and the time now appeared seasonable for overwhelming the unhappy king, who was already staggering with the violent shocks which he had received. Andover was the first stage of James's retreat towards London; and there prince George, together with the young duke of Ormond [a], Sir George Huet, and some other persons of distinction, deserted him in the night-time, and retired to the prince's camp.

and of prince George,

No sooner had this news reached London, than the princess Anne, pretending fear of the king's displeasure, withdrew herself in company with the bishop of London and lady Churchill. She fled to Nottingham; where the earl of Dorset received her with great respect, and the gentry of the county quickly formed a troop for her protection.

and of the princess Anne.

The late king, in order to gratify the nation, had entrusted the education of his nieces entirely to protestants; and as these princesses were deemed the chief resource of the established religion after their father's defection, great care had been taken to instil into them, from their earliest infancy, the strongest prejudices against popery. During the violence too of such popular currents, as now prevailed in England, all private considerations are commonly lost in the general passion; and the more principle any person possesses, the more apt is he,

[a] His grandfather, the first duke of Ormond, had died this year, on the 21st of July.

on

CHAP. LXXI.

1688.

on ſuch occaſions, to neglect and abandon his domeſtic duties. Though theſe cauſes may account for the behaviour of the princeſs, they had nowiſe prepared the king to expect ſo aſtoniſhing an event. He burſt into tears, when the firſt intelligence of it was conveyed to him. Undoubtedly he foreſaw in this incident the total expiration of his royal authority: But the nearer and more intimate concern of a parent laid hold of his heart; when he found himſelf abandoned in his uttermoſt diſtreſs by a child, and a virtuous child, whom he had ever regarded with the moſt tender affection. "God "help me," cried he, in the extremity of his agony, "my "own children have forſaken me!" It is indeed ſingular, that a prince, whoſe chief blame conſiſted in imprudences, and miſguided principles, ſhould be expoſed, from religious antipathy, to ſuch treatment as even Nero, Domitian, or the moſt enormous tyrants that have diſgraced the records of hiſtory, never met with from their friends and family.

King's conſternation,

So violent were the prejudices, which at this time prevailed, that this unhappy father, who had been deſerted by his favourite child, was believed, upon her diſappearing, to have put her to death: And it was fortunate, that the truth was timely diſcovered; otherwiſe the populace, even the king's guards themſelves, might have been engaged, in revenge, to commence a maſſacre of the prieſts and catholics.

THE king's fortune now expoſed him to the contempt of his enemies; and his behaviour was not ſuch as could gain him the eſteem of his friends and adherents. Unable to reſiſt the torrent, he preſerved not preſence of mind in yielding to it; but ſeemed in this emergence as much depreſſed with adverſity, as he had before been vainly elated by proſperity. He called a council of all the peers and prelates who were in London; and followed

CHAP. LXXI. 1688.

lowed their advice in iſſuing writs for a new parliament, and in ſending Halifax, Nottingham, and Godolphin as commiſſioners to treat with the prince of Orange. But theſe were the laſt acts of royal authority which he exerted. He even hearkened to imprudent counſel, by which he was prompted to deſert the throne, and to gratify his enemies beyond what their fondeſt hopes could have promiſed them.

THE queen, obſerving the fury of the people, and knowing how much ſhe was the object of general hatred, was ſtruck with the deepeſt terror, and began to apprehend a parliamentary impeachment, from which, ſhe was told, the queens of England were not exempted. The popiſh courtiers, and above all, the prieſts, were aware, that they ſhould be the firſt ſacrifice, and that their perpetual baniſhment was the ſmalleſt penalty which they muſt expect from national reſentment. They were, therefore, deſirous of carrying the king along with them; whoſe preſence, they knew, would ſtill be ſome reſource and protection to them in foreign countries, and whoſe reſtoration, if it ever happened, would again re-inſtate them in power and authority. The general defection of the proteſtants made the king regard the catholics, as his only ſubjects, on whoſe counſel he could rely; and the fatal cataſtrophe of his father afforded them a plauſible reaſon for making him apprehend a like fate. The great difference of circumſtances was not, during men's preſent diſtractions, ſufficiently weighed. Even after the people were inflamed by a long civil war, the execution of Charles I. could not be deemed a national deed: It was perpetrated by a fanatical army, puſhed on by a daring and enthuſiaſtical leader; and the whole kingdom had ever entertained, and did ſtill entertain, a violent abhorrence againſt that enormity. The ſituation of public affairs, therefore, no more reſembled what it was forty years before,

before, than the prince of Orange, either in birth, character, fortune, or connexions, could be ſuppoſed a parallel to Cromwel. CHAP. LXXI. 1688.

THE emiſſaries of France, and among the reſt, Barillon, the French ambaſſador, were buſy about the king; and they had entertained a very falſe notion, which they inſtilled into him, that nothing would more certainly retard the public ſettlement, and beget univerſal confuſion, than his deſerting the kingdom. The prince of Orange had with good reaſon embraced a contrary opinion; and he deemed it extremely difficult to find expedients for ſecuring the nation, ſo long as the king kept poſſeſſion of the crown. Actuated, therefore, by this public motive, and no leſs, we may well preſume, by private ambition, he was determined to uſe every expedient, which might intimidate the king, and make him quit that throne, which he himſelf was alone enabled to fill. He declined a perſonal conference with James's commiſſioners, and ſent the earls of Clarendon and Oxford to treat with them: The terms, which he propoſed, implied almoſt a preſent participation of the ſovereignty: And he ſtopped not a moment the march of his army towards London.

THE news, which the king received from all quarters, ſerved to continue the panic, into which he was fallen, and which his enemies expected to improve to their advantage. Colonel Copel, deputy governor of Hull, made himſelf maſter of that important fortreſs; and threw into priſon lord Langdale, the governor, a catholic; together with lord Montgomery, a nobleman of the ſame religion. The town of Newcaſtle received lord Lumley, and declared for the prince of Orange and a free parliament. The duke of Norfolk, lord lieutenant of the county of that name, engaged it in the ſame meaſure. The prince's declaration was read at Oxford by

CHAP. LXXI. 1688.

by the duke of Ormond, and was received with great applauſe by that loyal univerſity, who alſo made an offer of their plate to the prince. Every day, ſome perſon of quality or diſtinction, and among the reſt, the duke of Somerſet, went over to the enemy. A violent declaration was diſperſed in the prince's name, but without his participation; in which every one was commanded to ſeize and puniſh all papiſts, who, contrary to law, pretended either to carry arms, or exerciſe any act of authority. It may not be unworthy of notice, that a merry ballad, called Lilliballero, being at this time publiſhed in deriſion of the papiſts and the Iriſh, it was greedily received by the people, and was ſung by all ranks of men, even by the king's army, who were ſtrongly ſeized with the national ſpirit. This incident both diſcovered, and ſerved to encreaſe, the general diſcontent of the kingdom.

THE contagion of mutiny and diſobedience had alſo reached Scotland, whence the regular forces, contrary to the advice of Balcarras, the treaſurer, were withdrawn, in order to re-inforce the Engliſh army. The marqueſs of Athole, together with viſcount Tarbat, and others, finding the opportunity favourable, began to form intrigues againſt Perth, the chancellor; and the preſbyterians and other malcontents flocked from all quarters to Edinburgh. The chancellor, apprehenſive of the conſequences, found it expedient to abſcond; and the populace, as if that event were a ſignal for their inſurrection, immediately roſe in arms, and rifled the popiſh chapel in the king's palace. All the catholics, even all the zealous royaliſts, were obliged to conceal themſelves; and the privy council, inſtead of their former ſubmiſſive ſtrains of addreſs to the king, and violent edicts againſt their fellow-ſubjects, now made applications to the prince of Orange, as the reſtorer of law and liberty.

THE

CHAP. LXXI.

1688.

THE king every moment alarmed, more and more, by theſe proofs of a general diſaffection, not daring to repoſe truſt in any but thoſe who were expoſed to more danger than himſelf, agitated by diſdain towards ingratitude, by indignation againſt diſloyalty, impelled by his own fears and thoſe of others, precipitately embraced the reſolution of eſcaping into France; and he ſent off beforehand the queen and the infant prince, under the conduct of count Lauzun, an old favourite of the French monarch. He himſelf diſappeared in the night-time, attended only by Sir Edward Hales; and made the beſt of his way to a ſhip, which waited for him near the mouth of the river. As if this meaſure had not been the moſt grateful to his enemies of any that he could adopt, he had carefully concealed his intention from all the world; and nothing could equal the ſurprize, which ſeized the city, the court, and the kingdom, upon the diſcovery of this ſtrange event. Men beheld, all of a ſudden, the reins of government thrown up by the hand which held them; and ſaw none, who had any right or even pretenſion, to take poſſeſſion of them.

and flight. 12th Dec.

THE more effectually to involve every thing in confuſion, the king appointed not any one, who ſhould, in his abſence, exerciſe any part of the adminiſtration; he threw the great ſeal into the river; and he recalled all thoſe writs, which had been iſſued for the election of the new parliament. It is often ſuppoſed, that the ſole motive which impelled him to this ſudden deſertion, was his reluctance to meet a free parliament, and his reſolution not to ſubmit to thoſe terms, which his ſubjects would deem requiſite for the ſecurity of their liberties and their religion. But it muſt be conſidered, that his ſubjects had firſt deſerted him, and entirely loſt his confidence; that he might reaſonably be ſuppoſed to entertain fears for his liberty, if not for his life; and that the condi-

CHAP. LXXI. 1688.

conditions would not propably be moderate, which the nation, ſenſible of his inflexible temper, enraged with the violation of their laws and the danger of their religion, and foreſeeing his reſentment on account of their paſt reſiſtance, would, in his preſent circumſtances, exact from him.

By this temporary diſſolution of government, the populace were maſters; and there was no diſorder, which, during their preſent ferment, might not be dreaded from them. They roſe in a tumult and deſtroyed all the maſs-houſes. They even attacked and rifled the houſes of the Florentine envoy and Spaniſh ambaſſador, where many of the catholics had lodged their moſt valuable effects. Jefferies, the chancellor, who had diſguiſed himſelf, in order to fly the kingdom, was diſcovered by them, and ſo abuſed, that he died a little after. Even the army which ſhould have ſuppreſſed thoſe tumults, would, it was apprehended, ſerve rather to encreaſe the general diſorder. Feverſham had no ſooner heard of the king's flight, than he diſbanded the troops in the neighbourhood, and without either diſarming or paying them, let them looſe to prey upon the country.

In this extremity, the biſhops and peers, who were in town, being the only remaining authority of the ſtate (for the privy council, compoſed of the king's creatures, was totally diſregarded) thought proper to aſſemble, and to interpoſe for the preſervation of the community. They choſe the marqueſs of Haliſax ſpeaker: They gave directions to the mayor and aldermen for keeping the peace of the city: They iſſued orders, which were readily obeyed, to the fleet, the army, and all the garriſons: And they made applications to the prince of Orange, whoſe enterprize they highly applauded, and whoſe ſucceſs they joyfully congratulated.

The

CHAP. LXXI.

1688.

THE prince, on his part, was not wanting to the tide of ſucceſs, which flowed in upon him, nor backward in aſſuming that authority which the preſent exigency had put into his hands. Beſides the general popularity attending his cauſe, a new incident made his approach to London ſtill more grateful. In the preſent trepidation of the people, a rumour aroſe, either from chance or deſign, that the diſbanded Iriſh had taken arms, and had commenced an univerſal maſſacre of the proteſtants. This ridiculous belief was ſpread all over the kingdom in one day; and begat every where the deepeſt conſternation. The alarm bells were rung; the beacons fired; men fancied that they ſaw at a diſtance the ſmoke of the burning cities, and heard the groans of thoſe who were ſlaughtered in their neighbourhood. It is ſurprizing, that the catholics did not all periſh, in the rage which naturally ſucceeds to ſuch popular panics.

WHILE every one, from principle, intereſt, or animoſity, turned his back on the unhappy king, who had abandoned his own cauſe, the unwelcome news arrived, that he had been ſeized by the populace at Feverſham, as he was making his eſcape in diſguiſe; that he had been much abuſed, till he was known; but that the gentry had then interpoſed and protected him, though they ſtill refuſed to conſent to his eſcape. This intelligence threw all parties into confuſion. The prince ſent Zuyleſtein with orders, that the king ſhould approach no nearer than Rocheſter; but the meſſage came too late. He was already arrived in London, where the populace, moved by compaſſion for his unhappy fate, and actuated by their own levity, had received him with ſhouts and acclamations.

King ſeized at Feverſham.

During the king's abode at Whitehall, little attention was payed to him by the nobility or any perſons of diſtinction. They had, all of them, been previouſly diſguſted

CHAP. LXXI. 1688.

diſguſted on account of his blind partiality to the catholics; and they knew, that they were now become criminal in his eyes, by their late public applications to the prince of Orange. He himſelf ſhewed not any ſymptom of ſpirit, nor diſcovered any intention of reſuming the reins of government, which he had once thrown aſide. His authority was now plainly expired; and as he had exerciſed his power, while poſſeſſed of it, with very precipitate and haughty counſels, he relinquiſhed it by a deſpair equally precipitate and puſillanimous.

NOTHING remained for the now ruling powers but to deliberate how they ſhould diſpoſe of his perſon. Beſides, that the prince may juſtly be ſuppoſed to have poſſeſſed more generoſity than to think of offering violence to an unhappy monarch, ſo nearly related to him, he knew that nothing would ſo effectually promote his own views as the king's retiring into France, a country at all times obnoxious to the Engliſh. It was determined, therefore, to puſh him into that meaſure, which, of himſelf, he ſeemed ſufficiently inclined to embrace. The king having ſent lord Feverſham on a civil meſſage to the prince, deſiring a conference for an accommodation in order to the public ſettlement, that nobleman was put in arreſt, under pretence of his coming without a paſſport: The Dutch guards were ordered to take poſſeſſion of Whitehall, where James then reſided, and to diſplace the Engliſh: And Halifax, Shrewſbury, and Delamere, brought a meſſage from the prince, which they delivered to the king in bed after midnight, ordering him to leave his palace next morning, and to depart for Ham, a ſeat of the ducheſs of Lauderdale's. He deſired permiſſion, which was eaſily granted, of retiring to Rocheſter, a town near the ſea-coaſt. It was perceived, that the artifice had taken effect; and that the king, terrified with this

this harſh treatment, had renewed his former reſolution of leaving the kingdom. CHAP. LXXI. 1688.

He lingered, however, ſome days at Rocheſter, under the protection of a Dutch guard, and ſeemed deſirous of an invitation ſtill to keep poſſeſſion of the throne. He was undoubtedly ſenſible, that, as he had at firſt truſted too much to his people's loyalty, and, in confidence of their ſubmiſſion, had offered the greateſt violence to their principles and prejudices; ſo had he, at laſt, on finding his diſappointment, gone too far in the other extreme, and had haſtily ſuppoſed them deſtitute of all ſenſe of duty or allegiance. But obſerving, that the church, the nobility, the city, the country, all concurred in neglecting him, and leaving him to his own counſels, he ſubmitted to his melancholy fate; and being urged by earneſt letters from the queen, he privately embarked on board a frigate which waited for him; and he arrived ſafely at Ambleteuſe in Picardy, whence he haſtened to St. Germains. Lewis received him with the higheſt generoſity, ſympathy, and regard; a conduct, which, more than his moſt ſignal victories, contributes to the honour of that great monarch. Second eſcape. 23d Dec.

Thus ended the reign of a prince, whom, if we conſider his perſonal character rather than his public conduct, we may ſafely pronounce more unfortunate than criminal. He had many of thoſe qualities which form a good citizen: Even ſome of thoſe which, had they not been ſwallowed up in bigotry and arbitrary principles, ſerve to compoſe a good ſovereign. In domeſtic life his conduct was irreproachable, and is intitled to our approbation. Severe, but open in his enmities, ſteady in his counſels, diligent in his ſchemes, brave in his enterprizes, faithful, ſincere, and honourable in his dealings with all men: Such was the character with which the duke of York mounted the throne of England. In that high King's character.

CHAP. LXXI. 1688.

ſtation, his frugality of public money was remarkable, his induſtry exemplary, his application to naval affairs ſucceſsful, his encouragement of trade judicious, his jealouſy of national honour laudable: What then was wanting to make him an excellent ſovereign? A due regard and affection to the religion and conſtitution of his country. Had he been poſſeſſed of this eſſential quality, even his middling talents, aided by ſo many virtues, would have rendered his reign honourable and happy. When it was wanting, every excellency, which he poſſeſſed, became dangerous and pernicious to his kingdoms.

THE ſincerity of this prince (a virtue on which he highly valued himſelf) has been much queſtioned in thoſe reiterated promiſes which he had made of preſerving the liberties and religion of the nation. It muſt be confeſſed, that his reign was almoſt one continued invaſion of both; yet it is known, that, to his laſt breath, he perſiſted in aſſerting, that he never meant to ſubvert the laws, or procure more than a toleration and an equality of privileges to his catholic ſubjects. This queſtion can only affect the perſonal character of the king, not our judgment of his public conduct. Though by a ſtretch of candour we ſhould admit of his ſincerity in theſe profeſſions, the people were equally juſtifiable in their reſiſtance of him. So lofty was the idea which he had entertained of his *legal* authority, that it left his ſubjects little or no right to liberty, but what was dependent on his ſovereign will and pleaſure. And ſuch was his zeal for proſelytiſm, that whatever he might at firſt have intended, he plainly ſtopped not at toleration and equality: He confined all power, encouragement, and favour to the catholics: Converts from intereſt would ſoon have multiplied upon him: If not the greater, at leaſt the better part of the people, he would have flattered himſelf, was brought over to his religion: And he would in a little time

time have thought it juſt, as well as pious, to beſtow on them all the public eſtabliſhments. Rigours and perſecutions againſt heretics would ſpeedily have followed; and thus liberty and the proteſtant religion would in the iſſue have been totally ſubverted; though we ſhould not ſuppoſe that James, in the commencement of his reign, had formally fixed a plan for that purpoſe. And, on the whole, allowing this king to have poſſeſſed good qualities and good intentions, his conduct ſerves only, on that very account, as a ſtronger proof, how dangerous it is to allow any prince, infected with the catholic ſuperſtition, to wear the crown of theſe kingdoms.

CHAP. LXXI. 1688.

After this manner, the courage and abilities of the prince of Orange, ſeconded by ſurpriſing fortune, had effected the deliverance of this iſland; and with very little effuſion of blood (for only one officer of the Dutch army and a few private ſoldiers fell in an accidental ſkirmiſh) had dethroned a great prince, ſupported by a formidable fleet and a numerous army. Still the more difficult taſk remained, and what perhaps the prince regarded as not the leaſt important: The obtaining for himſelf that crown, which had fallen from the head of his father-in-law. Some lawyers, entangled in the ſubtleties and forms of their profeſſion, could think of no expedient, but that the prince ſhould claim the crown by right of conqueſt; ſhould immediately aſſume the title of ſovereign; and, ſhould call a parliament, which, being thus legally ſummoned by a king in poſſeſſion, could ratify whatever had been tranſacted before they aſſembled. But this meaſure, being deſtructive of the principles of liberty, the only principles on which his future throne could be eſtabliſhed, was prudently rejected by the prince, who, finding himſelf poſſeſſed of the good-will of the nation, reſolved to leave them entirely to their own guidance and direction. The peers and biſhops, to

CHAP. LXXI.

1688. the number of near ninety, made an addreſs, deſiring him to ſummon a convention by circular letters; to aſſume, in the mean time, the management of public affairs; and to concert meaſures for the ſecurity of Ireland. At the ſame time, they refuſed reading a letter, which the king had left, in order to apologize for his late deſertion, by the violence which had been put upon him. This ſtep was a ſufficient indication of their intentions with regard to that unhappy monarch.

THE prince ſeemed ſtill unwilling to act upon an authority, which might be deemed ſo imperfect: He was deſirous of obtaining a more expreſs declaration of the public conſent. A judicious expedient was fallen on for that purpoſe. All the members, who had ſitten in the houſe of commons during any parliament of Charles II. (the only parliaments whoſe election was regarded as free) were invited to meet; and to them were added the mayor, aldermen, and fifty of the common council. This was regarded as the moſt proper repreſentative of the people that could be ſummoned during the preſent emergence. They unanimouſly voted the ſame addreſs with the lords: And the prince, being thus ſupported by all the legal authority which could poſſibly be obtained in this critical juncture, wrote circular letters to the counties and corporations of England; and his orders were univerſally complied with. A profound tranquillity prevailed throughout the kingdom; and the prince's adminiſtration was ſubmitted to, as if he had ſucceeded in the moſt regular manner to the vacant throne. The fleet received his orders: The army, without murmur or oppoſition, allowed him to new-model them: And the city ſupplied him with a loan of two hundred thouſand pounds.

Convention ſummoned.

1689. THE conduct of the prince, with regard to Scotland, was founded on the ſame prudent and moderate maxims. Finding,

CHAP. LXXI.

1689. 7th Jan. Settlement of Scotland.

Finding, that there were many Scotchmen of rank at that time in London, he ſummoned them together, laid before them his intentions, and aſked their advice in the preſent emergency. This aſſembly, conſiſting of thirty noblemen and about fourſcore gentlemen, choſe duke Hamilton preſident; a man, who, being of a temporizing character, was determined to pay court to the preſent authority. His eldeſt ſon, the earl of Arran, profeſſed an adherence to king James; a uſual policy in Scotland, where the father and ſon, during civil commotions, were often obſerved to take oppoſite ſides, in order to ſecure, in all events, the family from attainder. Arran propoſed to invite back the king upon conditions; but as he was vehemently oppoſed in this motion by Sir Patric Hume, and ſeconded by nobody, the aſſembly made an offer to the prince of the preſent adminiſtration, which he willingly accepted. To anticipate a little in our narration; a convention, by circular letters from the prince, was ſummoned at Edinburgh on the twenty-ſecond of March; where it was ſoon viſible, that the intereſt of the malcontents would entirely prevail. The more zealous royaliſts, regarding this aſſembly as illegal, had forborn to appear at elections; and the other party were returned for moſt places. The revolution was not, in Scotland as in England, effected by a coalition of whig and tory: The former party alone had overpowered the government, and were too much enraged by the paſt injuries which they had ſuffered, to admit of any compoſition with their former maſters. As ſoon as the purpoſe of the convention was diſcovered, the Earl of Balcarras and viſcount Dundee, leaders of the tories, withdrew from Edinburgh; and the convention having paſſed a bold and deciſive vote, that king James, by his mal-adminiſtration and his abuſe of power, had *forfeited* all title to the

CHAP. LXXI.

crown, they made a tender of the royal dignity to the prince and princeſs of Orange.

1689. 22d Jan. English convention meets.

THE Engliſh convention was aſſembled; and it immediately appeared, that the houſe of commons, both from the prevailing humour of the people, and from the influence of preſent authority, were moſtly choſen from among the whig party. After thanks were unanimouſly given by both houſes to the prince of Orange, for the deliverance which he had brought them, a leſs deciſive vote than that of the Scottiſh convention, was in a few days paſſed by a great majority of the commons, and ſent up to the peers for their concurrence. It was contained in theſe words: "That king James II. having endeavoured to ſubvert the conſtitution of the kingdom, by breaking the original contract between king and people; and having, by the advice of jeſuits and other wicked perſons, violated the fundamental laws, and withdrawn himſelf out of the kingdom, has abdicated the government, and that the throne is thereby vacant." This vote, when carried to the upper houſe, met with great oppoſition; of which it is here neceſſary for us to explain the cauſes.

THE tories and the high-church party, finding themſelves at once menaced with a ſubverſion of the laws and of their religion, had zealouſly promoted the national revolt, and had on this occaſion departed from thoſe principles of non-reſiſtance, of which, while the king favoured them, they had formerly made ſuch loud profeſſions. Their preſent apprehenſions had prevailed over their political tenets; and the unfortunate James, who had too much truſted to thoſe general declarations which never will be reduced to practice, found in the iſſue, that both parties were ſecretly united againſt him. But no ſooner was the danger paſt, and the general fears ſomewhat allayed, than party prejudices reſumed, in ſome degree,

degree, their former authority; and the tories were abaſhed at that victory, which their antagoniſts, during the late tranſactions, had obtained over them. They were inclined, therefore, to ſteer a middle courſe; and, though generally determined to oppoſe the king's return, they reſolved not to conſent to dethroning him, or altering the line of ſucceſſion. A regent with kingly power was the expedient which they propoſed; and a late inſtance in Portugal ſeemed to give ſome authority and precedent to that plan of government.

CHAP. LXXI. 1689.

Views of the parties.

In favour of this ſcheme the tories urged, that, by the uniform tenor of the Engliſh laws, the title to the crown was ever regarded as ſacred, and could, on no account, and by no mal-adminiſtration, be forfeited by the ſovereign: That to dethrone a king and to elect his ſucceſſor, was a practice quite unknown to the conſtitution, and had a tendency to render kingly power entirely dependent and precarious: That where the ſovereign, from his tender years, from lunacy, or from other natural infirmity, was incapacitated to hold the reins of government, both the laws and former practice agreed in appointing a regent, who, during the interval, was inveſted with the whole power of the adminiſtration: That the inveterate and dangerous prejudices of king James had rendered him as unfit to ſway the Engliſh ſcepter, as if he had fallen into lunacy; and it was therefore natural for the people to have recourſe to the ſame remedy: That the election of one king was a precedent for the election of another; and the government, by that means, would either degenerate into a republic, or, what was worſe, into a turbulent and ſeditious monarchy: That the caſe was ſtill more dangerous, if there remained a prince, who claimed the crown by right of ſucceſſion, and diſputed, on ſo plauſible a ground, the title of the preſent ſovereign: That though the doctrine of non-reſiſtance might not, in every poſ-

CHAP. LXXI. 1689.

ſible circumſtance, be abſolutely true, yet was the belief of it very expedient; and to eſtabliſh a government, which ſhould have the contrary principle for its baſis, was to lay a foundation for perpetual revolutions and convulſions: That the appointment of a regent was indeed expoſed to many inconveniencies; but ſo long as the line of ſucceſſion was preſerved entire, there was ſtill a proſpect of putting an end, ſome time or other, to the public diſorders: And that ſcarcely an inſtance occurred in hiſtory, eſpecially in the Engliſh hiſtory, where a diſputed title had not, in the iſſue, been attended with much greater ills, than all thoſe which the people had ſought to ſhun, by departing from the lineal ſucceſſor.

THE leaders of the whig party, on the other hand, aſſerted, that, if there were any ill in the precedent, that ill would reſult as much from eſtabliſhing a regent, as from dethroning one king, and appointing his ſucceſſor; nor would the one expedient, if wantonly and raſhly embraced by the people, be leſs the ſource of public convulſions than the other: That if the laws gave no expreſs permiſſion to depoſe the ſovereign, neither did they authoriſe reſiſting his authority, or ſeparating the power from the title: That a regent was unknown, except where the king, by reaſon of his tender age or his infirmities, was incapable of a will; and in that caſe, his will was ſuppoſed to be involved in that of the regent: That it would be the height of abſurdity to try a man for acting upon a commiſſion, received from a prince, whom we ourſelves acknowledge to be the lawful ſovereign; and no jury would decide ſo contrary both to law and common ſenſe, as to condemn ſuch a pretended criminal: That even the proſpect of being delivered from this monſtrous inconvenience was, in the preſent ſituation of affairs, more diſtant than that of putting an end to a diſputed ſucceſſion: That allowing the young prince to be the legiti-

mate

mate heir, he had been carried abroad; he would be educated in principles deſtructive of the conſtitution and eſtabliſhed religion; and he would probably leave a ſon, liable to the ſame inſuperable objection: That if the whole line were cut off by law, the people would in time forget or neglect their claim; an advantage which could not be hoped for, while the adminiſtration was conducted in their name, and while they were ſtill acknowledged to poſſeſs the legal title: And that a nation, thus perpetually governed by regents or protectors, approached much nearer to a republic than one ſubject to monarchs, whoſe hereditary regular ſucceſſion, as well as preſent authority, was fixed and appointed by the people.

THIS queſtion was agitated with great zeal by the oppoſite parties in the houſe of peers. The chief ſpeakers among the tories were Clarendon, Rocheſter, and Nottingham; among the whigs, Halifax and Danby. The queſtion was carried for a king by two voices only, fifty-one againſt forty-nine. All the prelates, except two, the biſhops of London and Briſtol, voted for a regent. The primate, a diſintereſted but puſillanimous man, kept at a diſtance, both from the prince's court and from parliament.

THE houſe of peers proceeded next to examine piecemeal the vote ſent up to them by the commons. They debated, "Whether there were an original contract be-"tween king and people?" and the affirmative was carried by fifty-three againſt forty-ſix; a proof that the tories were already loſing ground. The next queſtion was, "Whether king James had broken that original con-"tract?" and, after a ſlight oppoſition, the affirmative prevailed. The lords proceeded to take into conſideration the word *abdicated*; and it was carried that *deſerted* was more proper. The concluding queſtion was, "Whe-"ther king James, having broken the original contract, "and

CHAP. LXXI. 1689.

" and *deſerted* the government, the throne was thereby " vacant?" This queſtion was debated with more heat and contention than any of the former; and upon a diviſion, the tories prevailed by eleven voices, and it was carried to omit the laſt article, with regard to the vacancy of the throne. The vote was ſent back to the commons with theſe amendments.

THE earl of Danby had entertained the project of beſtowing the crown ſolely upon the princeſs of Orange, and of admitting her as hereditary legal ſucceſſor to king James; paſſing by the infant prince, as illegitimate or ſuppoſititious. His change of party in the laſt queſtion gave the tories ſo conſiderable a majority in the number of voices.

Free conferences betwixt the houſes.

THE commons ſtill inſiſted on their own vote, and ſent up reaſons why the lords ſhould depart from their amendments. The lords were not convinced; and it was neceſſary to have a free conference, in order to ſettle this controverſy. Never ſurely was national debate more important, or managed by more able ſpeakers; yet is one ſurpriſed to find the topics inſiſted on by both ſides ſo frivolous; more reſembling the verbal diſputes of the ſchools, than the ſolid reaſonings of ſtateſmen and legiſlators. In public tranſactions of ſuch conſequence, the true motives which produce any meaſure are ſeldom avowed. The whigs, now the ruling party, having united with the tories, in order to bring about the revolution, had ſo much deference for their new allies, as not to inſiſt that the crown ſhould be declared *forfeited*, on account of the king's mal-adminiſtration: Such a declaration, they thought, would imply too expreſs a cenſure of the old tory principles, and too open a preference of their own. They agreed, therefore, to confound together the king's abuſing his power, and his withdrawing from the kingdom; and they called the whole an *abdication*;

tion; as if he had given a virtual, though not a verbal, consent to dethroning himself. The tories took advantage of this obvious impropriety, which had been occasioned merely by the complaisance or prudence of the whigs; and they insisted upon the word *desertion*, as more significant and intelligible. It was retorted on them, that however that expression might be justly applied to the king's withdrawing himself, it could not, with any propriety, be extended to his violation of the fundamental laws. And thus both parties, while they warped their principles from regard to their antagonists, and from prudential considerations, lost the praise of consistence and uniformity. CHAP. LXXI. 1689.

THE managers for the lords next insisted, that, even allowing the king's abuse of power to be equivalent to an abdication, or, in other words, to a civil death, it could operate no otherwise than his voluntary resignation, or his natural death; and could only make way for the next successor. It was a maxim of English law, *that the throne was never vacant*; but instantly, upon the demise of one king, was filled with his legal heir, who was entitled to all the authority of his predecessor. And however young or unfit for government the successor, however unfortunate in his situation, though he were even a captive in the hands of public enemies; yet no just reason, they thought, could be assigned, why, without any default of his own, he should lose a crown, to which, by birth, he was fully intitled. The managers for the commons might have opposed this reasoning by many specious, and even solid arguments. They might have said, that the great security for allegiance being merely opinion, any scheme of settlement should be adopted, in which, it was most probable, the people would acquiesce and persevere: That though, upon the natural death of a king, whose administration had been agreeable to the laws, many and

CHAP. LXXI. 1689.

great inconveniencies would be endured, rather than exclude his lineal ſucceſſor; yet the caſe was not the ſame, when the people had been obliged, by their revolt, to dethrone a prince, whoſe illegal meaſures had, in every circumſtance, violated the conſtitution: That, in theſe extraordinary revolutions, the government reverted, in ſome degree, to its firſt principles, and the community acquired a right of providing for the public intereſt by expedients which, on other occaſions, might be deemed violent and irregular: That the recent uſe of one extraordinary remedy reconciled the people to the practice of another, and more familiarized their minds to ſuch licences, than if the government had run on in its uſual tenor: And that king James, having carried abroad his ſon, as well as withdrawn himſelf, had given ſuch juſt provocation to the kingdom, had voluntarily involved it in ſuch difficulties, that the intereſts of his family were juſtly ſacrificed to the public ſettlement and tranquillity. Though theſe topics ſeem reaſonable, they were entirely forborne by the whig managers; both becauſe they implied an acknowledgment of the infant prince's legitimacy, which it was agreed to keep in obſcurity, and becauſe they contained too expreſs a condemnation of tory principles. They were content to maintain the vote of the commons by ſhifts and evaſions; and both ſides parted at laſt without coming to any agreement.

But it was impoſſible for the public to remain long in the preſent ſituation. The perſeverance, therefore, of the lower houſe obliged the lords to comply; and, by the deſertion of ſome peers to the whig party, the vote of the commons, without any alteration, paſſed by a majority of fifteen in the upper houſe, and received the ſanction of every part of the legiſlature which then ſubſiſted.

It happens unluckily for thoſe who maintain an original contract between the magiſtrate and people, that great

great revolutions of government, and new ſettlements of civil conſtitutions, are commonly conducted with ſuch violence, tumult, and diſorder, that the public voice can ſcarcely ever be heard; and the opinions of the citizens are at that time leſs attended to than even in the common courſe of adminiſtration. The preſent tranſactions in England, it muſt be confeſſed, are a ſingular exception to this obſervation. The new elections had been carried on with great tranquillity and freedom: The prince had ordered the troops to depart from all the towns where the voters aſſembled: A tumultuary petition to the two houſes having been promoted, he took care, though the petition was calculated for his advantage, effectually to ſuppreſs it: He entered into no intrigues, either with the electors or the members: He kept himſelf in a total ſilence, as if he had been nowiſe concerned in theſe tranſactions: And, ſo far from forming cabals with the leaders of parties, he diſdained even to beſtow careſſes on thoſe whoſe aſſiſtance might be uſeful to him. This conduct was highly meritorious, and diſcovered great moderation and magnanimity; even though the prince unfortunately, through the whole courſe of his life, and on every occaſion, was noted for an addreſs ſo cold, dry, and diſtant, that it was very difficult for him, on account of any intereſt, to ſoften or familiarize it.

CHAP. LXXI. 1689.

At length, the prince deigned to break ſilence, and to expreſs, though in a private manner, his ſentiments on the preſent ſituation of affairs. He called together Halifax, Shrewſbury, Danby, and a few more; and he told them, that, having been invited over to reſtore their liberty, he had engaged in this enterprize, and had at laſt happily effected his purpoſe. That it belonged to the parliament, now choſen and aſſembled with freedom, to concert meaſures for the public ſettlement; and he pretended not to interpoſe in their determinations. That he

CHAP. LXXI.

1689.

heard of ſeveral ſchemes propoſed for eſtabliſhing the government: Some inſiſted on a regent; others were deſirous of beſtowing the crown on the princeſs: It was their concern alone to chuſe the plan of adminiſtration moſt agreeable or advantageous to them. That if they judged it proper to ſettle a regent, he had no objection: He only thought it incumbent on him to inform them, that he was determined not to be the regent, nor ever to engage in a ſcheme, which, he knew, would be expoſed to ſuch inſuperable difficulties. That no man could have a juſter or deeper ſenſe of the princeſs's merit than he was impreſſed with; but he would rather remain a private perſon than enjoy a crown, which muſt depend on the will or life of another. And that they muſt therefore make account, if they were inclined to either of theſe two plans of ſettlement, that it would be totally out of his power to aſſiſt them in carrying it into execution; his affairs abroad were too important to be abandoned for ſo precarious a dignity, or even to allow him ſo much leiſure as would be requiſite to introduce order into their diſjointed government.

THESE views of the prince were ſeconded by the princeſs herſelf, who, as ſhe poſſeſſed many virtues, was a moſt obſequious wife to a huſband, who, in the judgment of the generality of her ſex, would have appeared ſo little attractive and amiable. All conſiderations were neglected, when they came in competition with what ſhe deemed her duty to the prince. When Danby and others of her partizans wrote her an account of their ſchemes and proceedings, ſhe expreſſed great diſpleaſure; and even tranſmitted their letters to her huſband, as a ſacrifice to conjugal fidelity. The princeſs Anne alſo concurred in the ſame plan for the public ſettlement; and being promiſed an ample revenue, was content to be poſtponed in the ſucceſſion to the crown. And as the title of her infant brother

ther was, in the preſent eſtabliſhment, entirely neglected, ſhe might, on the whole, deem herſelf, in point of intereſt, a gainer by this revolution. CHAP. LXXI. 1689.

THE chief parties, therefore, being agreed, the convention paſſed a bill, in which they ſettled the crown on the prince and princeſs of Orange, the ſole adminiſtration to remain in the prince: The princeſs of Denmark to ſucceed after the death of the prince and princeſs of Orange; her poſterity after thoſe of the princeſs, but before thoſe of the prince by any other wife. The convention annexed to this ſettlement of the crown a declaration of rights, where all the points which had, of late years, been diſputed between the king and people, were finally determined; and the powers of royal prerogative were more narrowly circumſcribed and more exactly defined, than in any former period of the Engliſh government. Settlement of the crown.

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THUS have we ſeen, through the courſe of four reigns, a continual ſtruggle maintained between the crown and the people: Privilege and prerogative were ever at variance: And both parties, beſide the preſent object of diſpute, had many latent claims, which, on a favourable occaſion, they produced againſt their adverſaries. Governments too ſteady and uniform, as they are ſeldom free, ſo are they, in the judgment of ſome, attended with another ſenſible inconvenience: They abate the active powers of men; depreſs courage, invention, and genius; and produce an univerſal lethargy in the people. Though this opinion may be juſt, the fluctuation and conteſt, it muſt be allowed, of the Engliſh government were, during theſe reigns, much too violent both Manners, arts and ſciences.

CHAP. LXXI. 1689.

both for the repoſe and ſafety of the people. Foreign affairs, at that time, were either entirely neglected, or managed to pernicious purpoſes: And in the domeſtic adminiſtration there was felt a continued fever, either ſecret or manifeſt; ſometimes the moſt furious convulſions and diſorders. The revolution forms a new epoch in the conſtitution; and was probably attended with conſequences more advantageous to the people, than barely freeing them from an exceptionable adminiſtration. By deciding many important queſtions in favour of liberty, and ſtill more, by that great precedent of depoſing one king, and eſtabliſhing a new family, it gave ſuch an aſcendant to popular principles, as has put the nature of the Engliſh conſtitution beyond all controverſy. And it may juſtly be affirmed, without any danger of exaggeration, that we, in this iſland, have ever ſince enjoyed, if not the beſt ſyſtem of government, at leaſt the moſt entire ſyſtem of liberty, that ever was known amongſt mankind.

To decry with ſuch violence, as is affected by ſome, the whole line of Stuart; to maintain, that their adminiſtration was one continued encroachment on the *inconteſtable* rights of the people; is not giving due honour to that great event, which not only put a period to their hereditary ſucceſſion, but made a new ſettlement of the whole conſtitution. The inconveniencies, ſuffered by the people under the two firſt reigns of that family (for in the main they were fortunate), proceeded in a great meaſure from the unavoidable ſituation of affairs; and ſcarcely any thing could have prevented thoſe events, but ſuch vigour of genius in the ſovereign, attended with ſuch good fortune, as might have enabled him entirely to overpower the liberties of his people. While the parliaments, in thoſe reigns, were taking advantage of the neceſſities of the prince, and attempting every ſeſſion to aboliſh, or circumſcribe, or define, ſome prerogative of the

the crown, and innovate in the uſual tenor of government: What could be expected, but that the prince would exert himſelf in defending, againſt ſuch inveterate enemies, an authority, which, during the moſt regular courſe of the former Engliſh government, had been exerciſed without diſpute or controverſy? And though Charles II. in 1672, may with reaſon be deemed the aggreſſor, nor is it poſſible to juſtify his conduct; yet were there ſome motives, ſurely, which could engage a prince ſo ſoft and indolent, and at the ſame time ſo judicious, to attempt ſuch hazardous enterprizes. He felt, that public affairs had reached a ſituation, at which they could not poſſibly remain without ſome farther innovation. Frequent parliaments were become almoſt abſolutely neceſſary to the conducting of public buſineſs; yet theſe aſſemblies were ſtill, in the judgment of the royaliſts, much inferior in dignity to the ſovereign, whom they ſeemed better calculated to counſel than controul. The crown ſtill poſſeſſed conſiderable power of oppoſing parliaments; and had not as yet acquired the means of influencing them. Hence a continual jealouſy between theſe parts of the legiſlature: Hence the inclination mutually to take advantage of each other's neceſſities: Hence the impoſſibility, under which the king lay, of finding miniſters, who could at once be ſerviceable and faithful to him. If he followed his own choice in appointing his ſervants, without regard to their parliamentary intereſt, a refractory ſeſſion was inſtantly to be expected: If he choſe them from among the leaders of popular aſſemblies, they either loſt their influence with the people, by adhering to the crown, or they betrayed the crown, in order to preſerve their influence. Neither Hambden, whom Charles I. was willing to gain at any price; nor Shaftesbury, whom Charles II. after the popiſh plot, attempted to engage in his counſels, would

CHAP. LXXI. 1689.

CHAP. LXXI. 1689.

renounce their popularity for the precarious, and, as they eſteemed it, deceitful favour of the prince. The root of their authority they ſtill thought to lie in the parliament; and as the power of that aſſembly was not yet uncontroulable, they ſtill reſolved to augment it, though at the expence of the royal prerogatives.

It is no wonder that theſe events have long, by the repreſentations of faction, been extremely clouded and obſcured. No man has yet ariſen, who has payed an entire regard to truth, and has dared to expoſe her, without covering or diſguiſe, to the eyes of the prejudiced public. Even that party amongſt us, which boaſts of the higheſt regard to liberty, has not poſſeſſed ſufficient liberty of thought in this particular; nor has been able to decide impartially of their own merit, compared with that of their antagoniſts. More noble perhaps in their ends, and highly beneficial to mankind; they muſt alſo be allowed to have often been leſs juſtifiable in the means, and in many of their enterprizes to have payed more regard to political than to moral conſiderations. Obliged to court the favour of the populace, they found it neceſſary to comply with their rage and folly; and have even, on many occaſions, by propagating calumnies, and by promoting violence, ſerved to infatuate, as well as corrupt that people, to whom they made a tender of liberty and juſtice. Charles I. was a tyrant, a papiſt, and a contriver of the Iriſh maſſacre: The church of England was relapſing faſt into idolatry: Puritaniſm was the only true religion, and the covenant the favourite object of heavenly regard. Through theſe deluſions, the party proceeded, and, what may ſeem wonderful, ſtill to the encreaſe of law and liberty; till they reached the impoſture of the popiſh plot, a fiction which exceeds the ordinary bounds of vulgar credulity. But however ſingular theſe events may appear, there is really nothing altoge-

ther new in any period of modern hiſtory: And it is remarkable, that tribunitian arts, though ſometimes uſeful in a free conſtitution, have uſually been ſuch as men of probity and honour could not bring themſelves either to practiſe or approve. The other faction, which, ſince the revolution, has been obliged to cultivate popularity, ſometimes found it neceſſary to employ like artifices.

THE Whig party, for a courſe of near ſeventy years, has, almoſt without interruption, enjoyed the whole authority of government; and no honours or offices could be obtained but by their countenance and protection. But this event, which, in ſome particulars, has been advantageous to the ſtate, has proved deſtructive to the truth of hiſtory, and has eſtabliſhed many groſs falſehoods, which it is unaccountable how any civilized nation could have embraced with regard to its domeſtic occurrences. Compoſitions the moſt deſpicable, both for ſtyle and matter, have been extolled, and propagated, and read; as if they had equalled the moſt celebrated remains of antiquity[y]. And forgetting that a regard to liberty, though a laudable paſſion, ought commonly to be ſubordinate to a reverence for eſtabliſhed government, the prevailing faction has celebrated only the partizans of the former, who purſued as their object the perfection of civil ſociety, and has extolled them at the expence of their antagoniſts, who maintained thoſe maxims that are eſſential to its very exiſtence. But extremes of all kinds are to be avoided; and though no one will ever pleaſe either faction by moderate opinions, it is there we are moſt likely to meet with truth and certainty.

WE ſhall ſubjoin to this general view of the Engliſh government, ſome account of the ſtate of the finances, arms, trade, manners, arts, between the reſtoration and revolution.

y Such as Rapin Thoyras, Locke, Sidney, Hoadley, &c.

CHAP. LXXI.

1689.

THE revenue of Charles II. as ſettled by the long parliament, was put upon a very bad footing. It was too ſmall, if they intended to make him independent in the common courſe of his adminiſtration: It was too large, and ſettled during too long a period, if they reſolved to keep him in entire dependance. The great debts of the republic, which were thrown upon that prince; the neceſſity of ſupplying the naval and military ſtores, which were entirely exhauſted [z]; that of repairing and furniſhing his palaces: All theſe cauſes involved the king in great difficulties immediately after his reſtoration; and the parliament was not ſufficiently liberal in ſupplying him. Perhaps too he had contracted ſome debts abroad; and his bounty to the diſtreſſed cavaliers, though it did not correſpond either to their ſervices or expectations, could not fail, in ſome degree, to exhauſt his treaſury. The extraordinary ſums granted the king during the firſt years, did not ſuffice for theſe extraordinary expences; and the excife and cuſtoms, the only conſtant revenue, amounted not to nine hundred thouſand pounds a-year, and fell much ſhort of the ordinary burdens of government. The addition of hearth-money in 1662, and of other two branches in 1669 and 1670, brought up the revenue to one million three hundred fifty-eight thouſand pounds, as we learn from lord Danby's account: But the ſame authority informs us, that the yearly expence of government was at that time one million three hundred eighty-ſeven thouſand ſeven hundred and ſeventy pounds [a]; without mentioning contingencies, which are always conſiderable, even under the moſt prudent ad-

[z] Lord Clarendon's ſpeech to the parliament, Oct. 9, 1665.

[a] Ralph's Hiſtory, vol. i. p. 288. We learn from that lord's Memoirs, p. 12. that the receipts of the Exchequer, during ſix years, from 1673 to 1679, were about eight millions two hundred thouſand pounds, or one million three hundred ſixty-ſix thouſand pounds a-year. See likewiſe, p. 169.

miniſtration.

miniſtration. Thoſe branches of revenue, granted in 1669 and 1670, expired in 1680, and were never renewed by parliament: They were computed to be above two hundred thouſand pounds a-year. It muſt be allowed, becauſe aſſerted by all cotemporary authors of both parties, and even confeſſed by himſelf, that king Charles was ſomewhat profuſe and negligent. But it is likewiſe certain, that a very rigid frugality was requiſite to ſupport the government under ſuch difficulties. It is a familiar rule in all buſineſs, that every man ſhould be payed in proportion to the truſt repoſed in him, and to the power which he enjoys; and the nation ſoon found reaſon, from Charles's dangerous connexions with France, to repent their departure from that prudential maxim. Indeed, could the parliaments in the reign of Charles I. have been induced to relinquiſh ſo far their old habits, as to grant that prince the ſame revenue which was voted to his ſucceſſor, or had thoſe in the reign of Charles II. conferred on him as large a revenue as was enjoyed by his brother, all the diſorders in both reigns might eaſily have been prevented, and probably all reaſonable conceſſions to liberty might peaceably have been obtained from both monarchs. But theſe aſſemblies, unacquainted with public buſineſs, and often actuated by faction and fanaticiſm, could never be made ſenſible, but too late and by fatal experience, of the inceſſant change of times and ſituations. The French ambaſſador informs his court, that Charles was very well ſatisfied with his ſhare of power, could the parliament have been induced to make him tolerably eaſy in his revenue[b].

If we eſtimate the ordinary revenue of Charles II. at one million two hundred thouſand pounds a-year during his whole reign, the computation will rather exceed than fall below the true value. The convention parliament, after all the ſums which they had granted the king to-

[b] Dalrymple's Appendix, p. 142.

CHAP. LXXI. 1689.

wards the payment of old debts, threw, the laſt day of their meeting, a debt upon him, amounting to one million ſeven hundred forty-three thouſand two hundred ſixty-three pounds [c]. All the extraordinary ſums, which were afterwards voted him by parliament, amounted to eleven millions four hundred forty-three thouſand four hundred and ſeven pounds; which, divided by twenty-four, the number of years which that king reigned, make four hundred ſeventy-ſix thouſand eight hundred and eight pounds a-year. During that time, he had two violent wars to ſuſtain with the Dutch; and in 1678, he made expenſive preparations for a war with France. In the firſt Dutch war, both France and Denmark were allies to the United Provinces, and the naval armaments in England were very great: ſo that it is impoſſible he could have ſecreted any part, at leaſt any conſiderable part, of the ſums which were then voted him by parliament.

To theſe ſums we muſt add about one million two hundred thouſand pounds, which had been detained from the bankers on ſhutting up the Exchequer in 1672. The king payed ſix per cent. for this money during the reſt of his reign [d]. It is remarkable, that, notwithſtanding this violent breach of faith, the king, two years after, borrowed money at eight per cent.; the ſame rate of intereſt which he had payed before that event [e]. A proof that public credit, inſtead of being of ſo delicate a nature as we are apt to imagine, is, in reality, ſo hardy and robuſt, that it is very difficult to deſtroy it.

THE revenue of James was raiſed by the parliament to about one million eight hundred and fifty thouſand pounds [f]; and his income, as duke of York, being added, made the whole amount to two millions a-year; a ſum

[c] Journals, 29th of December, 1660. [d] Danby's Memoirs, p. 7.
[e] Id. p. 65. [f] Journ. 1ſt of March, 1689.

well

well proportioned to the public neceſſities, but enjoyed by him in too independent a manner. The national debt at the revolution amounted to one million fifty-four thouſand nine hundred twenty-five pounds [g]. 1689.

THE militia fell much to decay during theſe two reigns, partly by the policy of the kings, who had entertained a diffidence of their ſubjects, partly by that ill-judged law which limited the king's power of muſtering and arraying them. In the beginning, however, of Charles's reign, the militia was ſtill deemed formidable. De Wit having propoſed to the French king an invaſion of England during the firſt Dutch war, that monarch replied, that ſuch an attempt would be entirely fruitleſs, and would tend only to unite the Engliſh. In a few days, ſaid he, after our landing, there will be fifty thouſand men at leaſt upon us [h].

CHARLES, in the beginning of his reign, had in pay near five thouſand men, of guards and garriſons. At the end of his reign he augmented this number to near eight thouſand. James, on Monmouth's rebellion, had on foot about fifteen thouſand men; and when the prince of Orange invaded him, there were no fewer than thirty thouſand regular troops in England.

THE Engliſh navy, during the greater part of Charles's reign, made a conſiderable figure, for number of ſhips, valour of the men, and conduct of the commanders. Even in 1678, the fleet conſiſted of eighty-three ſhips [i]; beſides thirty, which were at that time on the ſtocks. On the king's reſtoration he found only ſixty-three veſſels of all ſizes [k]. During the latter part of Charles's reign, the navy fell ſomewhat to decay, by reaſon of the narrowneſs of the king's revenue: But James, ſoon after his acceſſion, reſtored it to its former power and glory; and

[g] Journ. 20th of March, 1689. [h] D'Eſtrades, 20th of October, 1666.
[i] Pepys's Memoirs, p. 4. [k] Memoirs of Engliſh affairs, chiefly naval.

CHAP. LXXI. 1689.

before he left the throne, carried it much farther. The adminiſtration of the admiralty under Pepys, is ſtill regarded as a model for order and œconomy. The fleet at the revolution conſiſted of one hundred ſeventy-three veſſels of all ſizes; and required forty-two thouſand ſeamen to man it[l]. That king, when duke of York, had been the firſt inventor of ſea-ſignals. The military genius, during theſe two reigns, had not totally decayed among the young nobility. Dorſet, Mulgrave, Rocheſter, not to mention Oſſory, ſerved on board the fleet, and were preſent in the moſt furious engagements againſt the Dutch.

THE commerce and riches of England did never, during any period, encreaſe ſo faſt as from the reſtoration to the revolution. The two Dutch wars, by diſturbing the trade of that republic, promoted the navigation of this iſland; and after Charles had made a ſeparate peace with the States, his ſubjects enjoyed, unmoleſted, the trade of Europe. The only diſturbance which they met with, was from a few French privateers who infeſted the channel; and Charles interpoſed not in behalf of his ſubjects with ſufficient ſpirit and vigour. The recovery or conqueſt of New York and the Jerſeys was a conſiderable acceſſion to the ſtrength and ſecurity of the Engliſh colonies; and, together with the ſettlement of Penſilvania and Carolina, which was effected during that reign, extended the Engliſh empire in America. The perſecutions of the diſſenters, or more properly ſpeaking, the reſtraints impoſed upon them, contributed to augment and people theſe colonies. Dr. Davenant affirms[m], that the ſhipping of England more than doubled during theſe twenty-eight years. Several new manufactures were eſtabliſhed; in iron, braſs, ſilk, hats, glaſs,

[l] Lives of the Admirals, vol. ii. p. 476.

[m] Diſcourſe on the public Revenues, part ii. p. 29. 33. 36.

paper,

paper, &c. One Brewer, leaving the Low Countries, when they were threatened with a French conqueſt, brought the art of dying woollen cloth into England, and by that improvement ſaved the nation great ſums of money. The encreaſe of coinage during theſe two reigns was ten millions two hundred ſixty-one thouſand pounds. A board of trade was erected in 1670; and the earl of Sandwich was made preſident. Charles revived and ſupported the charter of the Eaſt-India company; a meaſure whoſe utility is by ſome thought doubtful: He granted a charter to the Hudſon's Bay company; a meaſure probably hurtful. CHAP. LXXI. 1689.

We learn from Sir Joſiah Child[n], that in 1688 there were on the Change more men worth 10,000 pounds than there were in 1650 worth a thouſand; that 500 pounds with a daughter was, in the latter period, deemed a larger portion than 2000 in the former; that gentlewomen, in thoſe earlier times, thought themſelves well cloathed in a ſerge gown, which a chambermaid would, in 1688, be aſhamed to be ſeen in; and that, beſides the great encreaſe of rich cloaths, plate, jewels, and houſehold furniture, coaches were in that time augmented a hundred fold.

The duke of Buckingham introduced from Venice the manufacture of glaſs and chriſtal into England. Prince Rupert was alſo an encourager of uſeful arts and manufactures: He himſelf was the inventor of etching.

The firſt law for erecting turnpikes was paſſed in 1662: The places of the turnpikes were Wadeſmill, Caxton, and Stilton: But the general and great improvement of highways took not place till the reign of George II.

In 1663, was paſſed the firſt law for allowing the exportation of foreign coin and bullion.

[n] Brief Obſervations, &c.

In

CHAP. LXXI.

1689.

In 1667 was concluded the firſt American treaty between England and Spain: This treaty was made more general and complete in 1670. The two ſtates then renounced all right of trading with each others colonies; and the title of England was acknowledged to all the territories in America, of which ſhe was then poſſeſſed.

The French king, about the beginning of Charles's reign, laid ſome impoſitions on Engliſh commodities: And the Engliſh, partly diſpleaſed with this innovation, partly moved by their animoſity againſt France, retaliated, by laying ſuch reſtraints on the commerce with that kingdom as amounted almoſt to a prohibition. They formed calculations, by which they perſuaded themſelves that they were loſers a million and a half, or near two millions a year, by the French trade. But no good effects were found to reſult from theſe reſtraints; and in king James's reign they were taken off by parliament.

Lord Clarendon tells us, that, in 1665, when money, in conſequence of a treaty, was to be remitted to the biſhop of Munſter, it was found, that the whole trade of England could not ſupply above 1000 pounds a month to Frankfort and Cologne, nor above 20,000 pounds a month to Hamburgh: Theſe ſums appear ſurpriſingly ſmall *.

At the ſame time that the boroughs of England were deprived of their privileges, a like attempt was made on the colonies. King James recalled the charters, by which their liberties were ſecured; and he ſent over governors inveſted with abſolute power. The arbitrary principles of that monarch appear in every part of his adminiſtration.

* Life of Clarendon, p. 237.

The

CHAP. LXXI. 1689.

THE people, during theſe two reigns, were, in a great meaſure, cured of that wild fanaticiſm, by which they had formerly been ſo much agitated. Whatever new vices they might acquire, it may be queſtioned, whether, by this change, they were, in the main, much loſers in point of morals. By the example of Charles II. and the cavaliers, licentiouſneſs and debauchery became prevalent in the nation. The pleaſures of the table were much purſued. Love was treated more as an appetite than a paſſion. The one ſex began to abate of the national character of chaſtity, without being able to inſpire the other with ſentiment or delicacy.

THE abuſes in the former age, ariſing from overſtrained pretenſions to piety, had much propagated the ſpirit of irreligion; and many of the ingenious men of this period lie under the imputation of deiſm. Beſides wits and ſcholars by profeſſion, Shafteſbury, Halifax, Buckingham, Mulgrave, Sunderland, Eſſex, Rocheſter, Sidney, Temple, are ſuppoſed to have adopted theſe principles.

THE ſame factions, which formerly diſtracted the nation, were revived, and exerted themſelves in the moſt ungenerous and unmanly enterprizes againſt each other. King Charles being in his whole deportment a model of eaſy and gentleman-like behaviour, improved the politeneſs of the nation; as much as faction, which of all things is moſt deſtructive to that virtue, could poſſibly permit. His courtiers were long diſtinguiſhable in England by their obliging and agreeable manners.

TILL the revolution, the liberty of the preſs was very imperfectly enjoyed in England, and during a very ſhort period. The ſtar-chamber, while that court ſubſiſted, put effectual reſtraints upon printing. On the ſuppreſſion of that tribunal in 1641, the long parliament, after their rupture

CHAP. LXXI. 1689.

rupture with the king, aſſumed the ſame power with regard to the licencing of books; and this authority was continued during all the period of the republic and protectorſhip [o]. Two years after the reſtoration, an act was paſſed, reviving the republican ordinances. This act expired in 1679; but was revived in the firſt of king James. The liberty of the preſs did not even commence with the revolution. It was not till 1694, that the reſtraints were taken off; to the great diſpleaſure of the king, and his miniſters, who, ſeeing no where, in any government, during preſent or paſt ages, any example of ſuch unlimited freedom, doubted much of its ſalutary effects, and probably thought, that no books or writings would ever ſo much improve the general underſtanding of men, as to render it ſafe to entruſt them with an indulgence ſo eaſily abuſed.

In 1677, the old law for burning heretics was repealed; a prudent meaſure, while the nation was in continual dread of the return of popery.

Amidst the thick cloud of bigotry and ignorance, which overſpread the nation, during the commonwealth and protectorſhip, there were a few ſedate philoſophers, who, in the retirement of Oxford, cultivated their reaſon, and eſtabliſhed conferences for the mutual communication of their diſcoveries in phyſics and geometry. Wilkins, a clergyman, who had married Cromwel's ſiſter, and was afterwards biſhop of Cheſter, promoted theſe philoſophical converſations. Immediately after the reſtoration, theſe men procured a patent, and having enlarged their number, were denominated the *Royal Society*. But this patent was all they obtained from the king. Though Charles was a lover of the ſciences, particularly chemiſtry and mechanics; he animated them by his example alone,

[o] Scobell, i. 44. 134. ii. 88. 230.

not

not by his bounty. His craving courtiers and miſtreſſes, by whom he was perpetually ſurrounded, engroſſed all his expence, and left him neither money nor attention for literary merit. His contemporary, Lewis, who fell ſhort of the king's genius and knowledge in this particular, much exceeded him in liberality. Beſides penſions conferred on learned men throughout all Europe, his academies were directed by rules and ſupported by ſalaries: A generoſity which does great honour to his memory; and, in the eyes of all the ingenious part of mankind, will be eſteemed an atonement for many of the errors of his reign. We may be ſurprized, that this example ſhould not be more followed by princes; ſince it is certain that that bounty, ſo extenſive, ſo beneficial, and ſo much celebrated, coſt not this monarch ſo great a ſum as is often conferred on one uſeleſs overgrown favourite or courtier.

CHAP. LXXI. 1689.

BUT though the French academy of ſciences was directed, encouraged and ſupported by the ſovereign, there aroſe in England ſome men of ſuperior genius who were more than ſufficient to caſt the balance, and who drew on themſelves and on their native country the regard and attention of Europe. Beſides Wilkins, Wren, Wallis, eminent mathematicians, Hooke, an accurate obſerver by microſcopes, and Sydenham, the reſtorer of true phyſic; there flouriſhed during this period a Boyle and a Newton; men who trod with cautious, and therefore the more ſecure ſteps, the only road which leads to true philoſophy.

BOYLE improved the pneumatic engine invented by Otto Guericke, and was thereby enabled to make ſeveral new and curious experiments on the air, as well as on other bodies: His chemiſtry is much admired by thoſe who are acquainted with that art: His hydroſtatics contain a greater mixture of reaſoning and invention with experiment

CHAP. LXXI. 1689.

ment than any other of his works; but his reaſoning is ſtill remote from that boldneſs and temerity which had led aſtray ſo many philoſophers. Boyle was a great partizan of the mechanical philoſophy; a theory, which, by diſcovering ſome of the ſecrets of nature, and allowing us to imagine the reſt, is ſo agreeable to the natural vanity and curioſity of men. He died in 1691, aged 65.

In Newton this iſland may boaſt of having produced the greateſt and rareſt genius that ever aroſe for the ornament and inſtruction of the ſpecies. Cautious in admitting no principles but ſuch as were founded on experiment; but reſolute to adopt every ſuch principle, however new or unuſual: From modeſty, ignorant of his ſuperiority above the reſt of mankind; and thence, leſs careful to accommodate his reaſonings to common apprehenſions: More anxious to merit than acquire fame: He was, from theſe cauſes, long unknown to the world; but his reputation at laſt broke out with a luſtre, which ſcarcely any writer, during his own life-time, had ever before attained. While Newton ſeemed to draw off the veil from ſome of the myſteries of nature, he ſhewed at the ſame time the imperfections of the mechanical philoſophy; and thereby reſtored her ultimate ſecrets to that obſcurity in which they ever did and ever will remain. He died in 1727, aged 85.

This age was far from being ſo favourable to polite literature as to the ſciences. Charles, though fond of wit, though poſſeſſed himſelf of a conſiderable ſhare of it, though his taſte in converſation ſeems to have been ſound and juſt; ſerved rather to corrupt than improve the poetry and eloquence of his time. When the theatres were opened at the reſtoration, and freedom was again given to pleaſantry and ingenuity; men, after ſo long an abſtinence, fed on theſe delicacies with leſs taſte than avidity, and the coarſeſt and moſt irregular ſpecies of wit

was

1689.

was received by the court as well as by the people. The productions, repreſented at that time on the ſtage, were ſuch monſters of extravagance and folly; ſo utterly deſtitute of all reaſon or even common ſenſe; that they would be the diſgrace of Engliſh literature, had not the nation made atonement for its former admiration of them, by the total oblivion to which they are now condemned. The duke of Buckingham's Rehearſal, which expoſed theſe wild productions, ſeems to be a piece of ridicule carried to exceſs: yet in reality the copy ſcarcely equals ſome of the abſurdities which we meet with in the originals [a].

THIS ſevere ſatire, together with the good ſenſe of the nation, corrected, after ſome time, the extravagancies of the faſhionable wit; but the productions of literature ſtill wanted much of that correctneſs and delicacy which we ſo much admire in the ancients, and in the French writers, their judicious imitators. It was indeed during this period chiefly, that that nation left the Engliſh behind them in the productions of poetry, eloquence, hiſtory, and other branches of polite letters; and acquired a ſuperiority, which the efforts of Engliſh writers, during the ſubſequent age, did more ſucceſsfully conteſt with them. The arts and ſciences were imported from Italy into this iſland as early as into France; and made at firſt more ſenſible advances. Spencer, Shakeſpeare, Bacon, Johnſon, were ſuperior to their cotemporaries, who flouriſhed in that kingdom. Milton, Waller, Denham, Cowley, Harvey, were at leaſt equal to their cotemporaries. The reign of Charles II. which ſome prepoſterouſly repreſent as our Auguſtan age, retarded the progreſs of polite literature in this iſland; and it was then found, that the immeaſurable licentiouſneſs, in-

[a] The duke of Buckingham died on the 16th of April, 1688.

dulged

CHAP. LXXI.

1689.

dulged or rather applauded at court, was more deſtructive to the refined arts, than even the cant, nonſenſe, and enthuſiaſm of the preceding period.

Most of the celebrated writers of this age remain monuments of genius, perverted by indecency and bad taſte; and none more than Dryden, both by reaſon of the greatneſs of his talents, and the groſs abuſe which he made of them. His plays, excepting a few ſcenes, are utterly disfigured by vice or folly, or both. His tranſlations appear too much the offspring of haſte and hunger: Even his fables are ill-choſen tales, conveyed in an incorrect, though ſpirited verſification. Yet, amidſt this great number of looſe productions, the reſuſe of our language, there are found ſome ſmall pieces, his Ode to St. Cecilia, the greater part of Abſalom and Achitophel, and a few more, which diſcover ſo great genius, ſuch richneſs of expreſſion, ſuch pomp and variety of numbers, that they leave us equally full of regret and indignation, on account of the inferiority or rather great abſurdity of his other writings. He died in 1701, aged 69.

The very name of Rocheſter is offenſive to modeſt ears; yet does his poetry diſcover ſuch energy of ſtyle and ſuch poignancy of ſatire, as give ground to imagine what ſo fine a genius, had he fallen in a more happy age, and had followed better models, was capable of producing. The ancient ſatyriſts often uſed great liberties in their expreſſions; but their freedom no more reſembles the licentiouſneſs of Rocheſter, than the nakedneſs of an Indian does that of a common proſtitute.

Wycherley was ambitious of the reputation of wit and libertiniſm; and he attained it: He was probably capable of reaching the fame of true comedy, and inſtructive ridicule. Otway had a genius finely turned to the pathetic; but he neither obſerves ſtrictly the rules of the drama, nor the rules, ſtill more eſſential, of propriety and

and decorum. By one ſingle piece, the duke of Buckingham did both great ſervice to his age, and honour to himſelf. The earls of Mulgrave, Dorſet, and Roſcommon, wrote in a good taſte; but their productions are either feeble or careleſs. The marquis of Haliſax diſcovers a refined genius; and nothing but leiſure and an inferior ſtation ſeems wanting to have procured him eminence in literature. CHAP. LXXI. 1689.

Of all the conſiderable writers of this age, Sir William Temple is almoſt the only one that kept himſelf altogether unpolluted by that inundation of vice and licentiouſneſs which overwhelmed the nation. The ſtyle of this author, though extremely negligent, and even infected with foreign idioms, is agreeable and intereſting. That mixture of vanity which appears in his works, is rather a recommendation to them. By meas of it, we enter into acquaintance with the character of the author, full of honour and humanity; and fancy that we are engaged, not in the peruſal of a book, but in converſation with a companion. He died in 1698, aged 70.

Though Hudibras was publiſhed, and probably compoſed during the reign of Charles II. Butler may juſtly, as well as Milton, be thought to belong to the foregoing period. No compoſition abounds ſo much as Hudibras in ſtrokes of juſt and inimitable wit; yet are there many performances which give us great or greater entertainment on the whole peruſal. The alluſions in Butler are often dark and far-fetched; and though ſcarcely any author was ever able to expreſs his thoughts in ſo few words, he often employs too many thoughts one one ſubject, and thereby becomes prolix after an unuſual manner. It is ſurpriſing how much erudition Butler has introduced with ſo good a grace into a work of pleaſantry and humour: Hudibras is perhaps one of the moſt learned compoſitions that is to be found in any language. The

CHAP. LXXI.

1689.

advantage which the royal cauſe received from this poem, in expoſing the fanaticiſm and falſe pretences of the former parliamentary party, was prodigious. The king himſelf had ſo good a taſte as to be highly pleaſed with the merit of the work, and had even got a great part of it by heart: Yet was he either ſo careleſs in his temper, or ſo little endowed with the virtue of liberality, or, more properly ſpeaking, of gratitude, that he allowed the author, a man of virtue and probity, to live in obſcurity, and die in want [b]. Dryden is an inſtance of a negligence of the ſame kind. His Abſalom ſenſibly contributed to the victory which the tories obtained over the whigs, after the excluſion of parliaments: Yet could not this merit, aided by his great genius, procure him an eſtabliſhment which might exempt him from the neceſſity of writing for bread. Otway, though a profeſſed royaliſt, could not even procure bread by his writings; and he had the ſingular fate of dying literally of hunger. Theſe incidents throw a great ſtain on the memory of Charles, who had diſcernment, loved genius, was liberal of money, but attained not the praiſe of true generoſity.

[b] Butler died in 1680, aged 68.

GENERAL INDEX.

N. B. The Roman Numerals direct to the Volume, and the Figures to the Page.

A.

ABBEY LANDS, the immediate inconveniencies reſulting from their alienation into lay-hands at the reformation, iv. 327.

Abbeys, their rich revenues, iv. 184. The hoſpitality exerciſed by them, *ib.* See *Monaſteries*.

Abbot, archbiſhop, is ſuſpended and confined, for refuſing to licenſe Sibthorp's ſermon on general loans, vi. 226. Is employed by the lords to moderate the pretenſions of the commons, in the petition of right, 251.

Abbots, are excluded from their ſeats in the houſe of lords, iv. 205. See *Monaſteries*.

Abhorrers, and *petitioners*, an account of the origin of thoſe party diſtinctions, viii. 126. The former perſecuted, and the latter countenanced, by the houſe of commons, 129.

Acadie is yielded to the French by the treaty of Breda, vii, 423.

Acca, daughter of Ælla king of Deïra, is married to Ethelfred, king of Bernicia, i. 26.

Acre, a city in Paleſtine, beſieged by the Chriſtians, ii. 13. Taken by the aſſiſtance of Richard I, of England, and Philip of France, 15. The garriſon butchered, 22.

Adela, daughter of king William the Conqueror, her iſſue, ſhewing the foundation of king Stephen's pretenſions, i. 350.

Adelfrid, king of Bernicia, eſtabliſhes the kingdom of Northumberland, i. 26. 40. Great ſlaughter of Britiſh monks by, 41. Deſtroys the vaſt monaſtery of Bangor, *ib.* Defeated and killed by Redwal king of the Eaſt Angles, 42.

Adjournment of parliament, diſtinction between that by the king, and of the houſe of commons by themſelves, vi. 275, *note*.

Admiral, lord high, an account of thoſe who filled that poſt during the reign of James I. vi. 156. Thoſe in the reign of Charles I. vii. 153.

Adrian, emperor, builds his famous rampart between Britain and Caledonia, i. 10. Completed by Severus, *ib.*

Adrian III. an Engliſh pope, his motives for making a grant of Ireland to Henry II. of England, i. 426.

Adrian VI. pope, his conduct toward the reformers, iv. 39. Dies, 48.

Adultery, the legal compoſition for, among our Saxon anceſtors, i. 220.
Ælla, a Saxon, defeats the Britons, and ſettles in Suſſex. i. 22. See *Suſſex*.
——, another Saxon of that name, is made king of Deïra, i. 26.
Ætius, why unable to liſten to the embaſſy of the Britons for aſſiſtance, i. 14.
Agitators, or repreſentatives of the army, in a military parliament, choſen, vii. 87. Send cornet Joyce to ſeize the king from Holdenby, 88. Their meetings forbid by Cromwell, 109. Diſorders committed by them. 166. Are ſuppreſſed by the generals, 167.
Agnes Sorrel, miſtreſs of Charles VII. aſſiſts the queen in recovering him from his dejection on the ſiege of Orleans, iii. 141.
Agricola, Julius, finally ſubdues the Britons, as far as Caledonia, i. 9. How he ſecured their ſubjection, *ib.* His civil inſtitutions, *ib.*
Agriculture, evidence of the bad ſtate of, in the time of Henry VIII. iv. 278. State of, during the reign of James I. vi. 188.
Aix la Chapelle, treaty of, in reſult of the triple alliance, vii. 437.
Alaſco, John, a Poliſh nobleman, being expelled, turns proteſtant preacher, and takes refuge with his congregation in England, iv. 347. Is protected by the council, *ib.* Is forced to leave England at the acceſſion of queen Mary, 378.
Albano, the pope's legate, excommunicates prince Richard, ſon of Henry II. for rebelling againſt his father, i. 460.
Albany, duke of, brother to Robert III. king of Scotland, aſſumes the adminiſtration, iii. 75. Enjoys the regal power by the death of his brother and the captivity of his nephew, *ib.* Send forces to the Dauphin of France, who defeat and kill the duke of Clarence, 114. Dies, 128. Character of his ſon Murdac, *ib.*
——, duke of, is invited over by the influence of the lord Hume, to accept the regency of Scotland, iv. 6. The ſtate of the kingdom as it appeared to him at his arrival, *ib.* Is prejudiced againſt Hume by the enemies of that nobleman, 7. The young king carried off by his mother, *ib.* Lord Hume makes war againſt him, and is put to death by him, 8. Goes over to France, *ib.* Returns to Scotland, 42. Concludes a truce with the Engliſh, and returns to France, 43. Comes back, but his operations againſt England diſconcerted, 45. Leaves Scotland finally, *ib.*
Albemarle, earl of, foments a rebellion of the barons againſt Henry III. ii. 153. Loſes Rockingham caſtle, but gains Fotheringay, and others, *ib.* Is excommunicated by Pandolf the legate, *ib.* Submits, and is pardoned, 154.
——— general Monk created duke of, vii. 350. Procures the condemnation of Argyle, 368. Engages the Dutch admiral for four days, 410. His death and character, 467, *note*.
Albert and Theodin appointed legates to enquire into the murder of Thomas à Becket, i. 431. Their accommodation with Henry II. on the account of it, 432. Abſolve him, 433.
Albigenſes, who they were, ii. 66. A cruſade againſt them publiſhed by pope Innocent III. *ib.* Exterminated, 67.

Albiney, William de, defends the caſtle of Rocheſter for the barons againſt king John, ii. 93. Is obliged to ſurrender, *ib.*

Alcuin, a clergyman, ſent by Offa, king of Mercia, to the emperor Charlemagne, and becomes his preceptor in the ſciences, i. 50.

Alderman and Earl, ſynonymous terms in the Saxon laws and annals, i. 576.

Aldred, archbiſhop of York, crowns king Harold, i. 179. Crowns William the Conqueror, 236. Dies of grief, 257.

Ale, its price in the reign of Henry III. ii. 224.

Alençon, beſieged by John king of England, ii. 50. The ſiege raiſed by the addreſs of Philip of France, 51.

———, duke of, created duke of Anjou, v. 239.

Alexander II. pope, his motives for declaring in favour of the Norman invaſion, i. 185. 256. Sends Ermenfroy legate to William the Conqueror, *ib.*

——— III. pope, driven from Rome, by the anti-pope Victor IV. i. 381. Abject honours paid to, by the kings of France and England, *ib.* Annuls the conſtitutions of Clarendon, 396. Deceives the intentions of Henry II. in the grant of a legatine commiſſion, *ib.* His honourable reception of archbiſhop Becket, and cool behaviour to Henry's embaſſy, 403. Attempts by his nuncios to reconcile them, 410. Appeaſed by Henry's ſubmiſſions on the occaſion of Becket's murder, 420. Canonizes Becket, 421. Iſſues bulls at Henry's deſire againſt his ſons, 437.

——— IV. pope, publiſhes a cruſade againſt Sicily, ii. 173. His levies on the Engliſh clergy to carry it on, *ib.* Threatens the kingdom with an interdict for non-payment of his demand, 174.

——— VI. pope, ſends a nuncio to engage Henry VII. of England in a cruſade againſt the Turks, iii. 384.

——— III. king of Scotland, eſpouſes the ſiſter of Edward I. of England, ii. 245. His death, *ib.*

Alexis Comnenus, emperor of Greece, his policy to get rid of the cruſaders, i. 309.

Alford, encounter there, between Montroſe and Baillie, vii. 51.

Alfred, accompanies his father Ethelwolf in his pilgrimage to Rome, i. 71. Aſſiſts his brother king Ethelred againſt the Danes, 74. Succeeds him to the crown, 76. Is anointed at Rome by pope Leo III. *ib.* Progreſs of his education, 77. Is worſted by the Danes, *ib.* Fights ſeveral battles with them, 79. Forced to relinquiſh his dominions in the diſguiſe of a peaſant, 80. Anecdote of him during this concealment, *ib.* Collects ſome retainers in a ſecret retreat, *ib.* Sallies and routs the Danes, 81. Enters their camp diſguiſed like a harper, 82. Defeats them again, and admits them to ſettle, 83. His civil inſtitutions, 84. 91. Forms a naval force, 85. Routs Haſtings the Dane, 87. Routs Sigefert the Northumbrian pirate, 89. His character, 90. State of the nation at the defeat of the Danes, 91. Divides England into diſtricts for the eaſy execution of juſtice, 92. The modes of juſtice eſtabliſhed by him, *ib.* Appoints juries for judicial deciſions, 93. His regard for the liberties of his people, 96. His care for the advancement of learning, *ib.* His œconomy of his time, 97. How he inculcated morality, *ib.*

ib. His literary performances, 98. His attention to the promotion of arts, manufactures, and commerce, *ib.* His great reputation abroad, 99. His children, *ib.*

Alfred, a Saxon nobleman, accuſed of conſpiring againſt king Athelſtan, his extraordinary fate, i. 103.

Alfric, duke of Mercia, his infamous character and hiſtory, i. 131. Treacheronſly ſaves the Daniſh fleet, 132. Another inſtance of his perfidy, 142.

Algiers is compelled to peace by admiral Blake, vii. 254.

Alice Pierce becomes the favourite of Edward III. but is removed from court, ii. 483.

Allen, John, his character, iv. 17. Is made judge of cardinal Wolſey's legatine court, *ib.* Is proſecuted and convicted of iniqnity, 18.

Alliance, triple, formed againſt Louis XIV. vii. 435.

Alliſon, his cruel proſecution in the ſtar-chamber for ſlander, vi. 303.

Allodial and feudal poſſeſſions, the difference between, explained, and the preferenee of the latter in the early ages ſhewn, ii. 105, 106.

Alnwick, William king of Scotland defeated and taken priſoner there by the Engliſh, i. 445.

Altar removed from the wall into the middle of the church by the firſt Engliſh reformers, v. 152.

Alva, duke of, concerts with Philip of Spain, Catherine de Medicis, and the cardinal of Lorraine, a maſſacre of the French proteſtants, v. 93. See *Hugonets*, and *Medicis*. Enters into a negociation with the earl of Northumberland for an inſurrection in England, 163. Is employed by Philip to oppreſs the Flemings, 193. His character, *ib.* His cruelties, *ib.* Some money ſent for him from Genoa, ſeized by queen Elizabeth, 194. Revenges himſelf on the Engliſh merchants, 195. His cruel extortions on the Flemings, *ib.* Attempts to diſturb the Engliſh government in favour of Mary queen of Scots, 196. Revolt of Holland and Zealand, 215. Condemns the prince of Orange as a rebel, and confiſcates his poſſeſſions, *ib.* His cruelty on reducing Harlem, 216. Is finally repulſed at Alcmaer, and ſolicits to be recalled from the low countries, *ib.* Boaſts of his infamous conduct, 217.

Amboyna, cruelties practiſed by the Dutch toward the Engliſh factors there, vi. 185. Why this injury was not properly reſented, *ib.*

Ambroſius commands the Britons againſt Hengiſt, i. 21.

Amerciaments, the arbitrary manner of impoſing, by the Anglo-Norman kings, ii. 136.

America, when firſt diſcovered, iii. 404. Great alterations in the European nations in conſequence of this diſcovery, *ib.* The different claims made by the European nations to their diſcoveries in, vi. 95. Colonies eſtabliſhed there by James I. 186.

Amiens, the ſtates of France ſummoned there by Lewis XI. on the appeal to him by Henry III. and the barons of England, ii. 201. The appeal decided in favour of Henry, *ib.* Treaty of alliance there, between the dukes of Bedford, Burgundy, and Britanny, iii. 128.

Ancram, battle of, iv. 249.

Angles, who, and where they ſettled in Britain, i. 22. 25.

Angleſey, attacked by Suetonius Paulinus, i. 8. The Druids deſtroyed there, *ib.*

Anglia, Eaſt, Hiſtory of the Saxon kingdom of, i. 46.

Anglo-Norman government, the executive power of, where lodged, ii. 121. The judicial power how diſtributed, *ib.* The crown revenue, in what it conſiſted, 125. Talliages levied by, 126.

Angus, earl of, marries Margaret, widow of James IV. of Scotland, iv. 5. She gets a divorce from him, and marries again, 123. Is forced to fly into England by the young king, *ib.* Joins the Engliſh army againſt James V. of Scotland, 228. Returns to Scotland, and takes part with the earl of Arran againſt cardinal Beaton, 232. Conducts the retreat of the Scots army from the Engliſh on the flight of Arran, 248. Inſpires Arran with reſolution to face the Engliſh again, who are defeated at Ancram, 249. Commands the van at the battle of Pinkey, 303.

Anjou, duke of, brother to Charles IX. of France, defeats and kills the prince of Condé at the battle of Jarnac, v. 186. Defeats Coligni at Montcontour, 188. Is propoſed as a huſband to Elizabeth queen of England, 189. Is elected king of Poland, 210. Takes poſſeſſion of the crown of France, on the death of his brother Charles, *ib.* See *Henry* III. of France.

——— the duke of Alençon created duke of, v. 239. Sends over Simier to proſecute his ſuit with queen Elizabeth, *ib.* See *Simier*. Pays Elizabeth a private viſit, 240. Articles for his marriage prepared, 241. Is ſent in the ſervice of the States to the Low Countries, 242. His operations there, 243. Comes over to England, *ib.* Receives a ring from Elizabeth, 244. The queen breaks off the match with him, 247. Is expelled the Netherlands, returns home and dies, *ib.*

Anlaf heads the Daniſh pirates againſt king Athelſtan, i. 105. His ſtratagem to gain intelligence in Athelſtan's camp, *ib.* Athelſtan's prudent conduct on the occaſion, 106.

Annates, an act of parliament paſſed by Henry VIII. againſt levying, iv. 107.

Anne, ſiſter of the emperor Winceſlaus, and queen of Richard II. her ineffectual ſuit to the duke of Glouceſter in favour of ſir Simon Burley, iii. 22.

——— princeſs, lady of Beaujou, her character, iii. 335. Veſted with the government of France during the minority of Charles VIII. *ib.* The adminiſtration diſputed by Lewis duke of Orleans, 336. Motives of her embaſſy to Henry VII. of England, 337.

——— of Cleves, is ſent over to be married to Henry VIII. of England, iv. 202. Henry ſees her privately, and is diſguſted with her, *ib.* Is nevertheleſs married by him, 204. Is divorced from Henry, 209. Her inſenſiblity under this treatment, 210. Refuſes to return home, *ib.*

——— lady, daughter of James duke of York, married to prince George of Denmark, viii. 204. Deſerts with her huſband to the prince of Orange, 296. Is declared ſucceſſor to the crown on failure of the iſſue of her ſiſter Mary, 319.

Anſelm, a Norman abbot, appointed archbiſhop of Canterbury, by William Rufus, i. 301. Oppoſes the violences of the king, 302. Preaches

ſucceſsfully againſt the then faſhionable modes of dreſs, 303. Eſpouſes the pretenſions of Urban to the papacy, *ib.* In what manner he furniſhed his quota of ſoldiers demanded by the king for his expedition againſt Wales, 304. Retires to Rome, and his temporalities confiſcated, *ib.* Aſſiſts at the council of Bari, *ib.* Recalled by Henry I. 317. Refuſes homage to him, 318. Aſſiſts at a council to debate on the king's intended marriage, *ib.* Acquires the king's confidence, 320. Procures an accommodation between the king and his brother Robert, 321. Refuſes to conſecrate the biſhops inveſted by Henry, 328. Retires to Rome, and his revenues again confiſcated, 329. Returns to his monaſtery in Normandy, *ib.* Compromiſe with, *ib.* 333.

Antient hiſtory, cauſes of the uncertainty of, pointed out, i. 1. 19.

Antonio, Don, prior of Crato, ſolicits aſſiſtance from England to aſſert his pretenſions to the crown of Portugal, v. 348. Obtains a ſmall fleet, 349. The expedition fails, 350.

Antwerp, joyful reception of the Engliſh merchants there, on the renewal of commerce with Flanders by Henry VII. iii. 378. A revolt of the Proteſtants there, againſt the Catholic worſhip, v. 192. The inſurgents ſuppreſſed by the prince of Orange, *ib.*

Appeals, from inferior to ſuperior courts, how appointed by the laws of Alfred, i. 93. From the barons courts, how regulated by parliament, in the reign of Henry III, ii. 223. To Rome, forbid by parliament, iv. 112. From chancery to the houſe of peers, firſt came into practice, vi. 110, *note.*

Apprentices of London petition the long parliament, vi. 475.

Archangel, a paſſage to, diſcovered, and a trade opened with Muſcovy, v. 478.

Arcemboldi, a Genoeſe biſhop, farms the ſale of indulgences in Saxony, of Magdalen, pope Leo's ſiſter, iv. 34. Appoints the preaching of them to the Dominicans, *ib.* See *Indulgences* and *Luther.*

Archy, the king's fool, loſes his place for exerciſing his wit on archbiſhop Laud, vi. 313.

Ardres, interview between Henry VIII. of England, and Francis I. of France, in a plain near, iv. 22. Grand Tournament held by them there, 24.

Argyle, earl of, with his ſon lord Lorn, enters into the aſſociation of reformers called the *Congregation of the Lord*, v. 22. Attends the queen-regent in her attempt to ſuppreſs the proteſtant riots, 27. Signs the new covenant of the *Congregation*, 30. Enters into a conſpiracy againſt Mary at Stirling, 90. Is forced to fly into England, 91. Is invited back by Darnley, 97. Is reconciled to the queen, 98.

———, earl of, his character, vi. 336. Subſcribes to the covenant, *ib.* Deſerts his army at the approach of Montroſe, vii. 49. Refuſes any intimacy with Charles II. on his arrival in Scotland, 186. Submits to the commonwealth, 207. Is tried and executed, 368.

———, earl of, ſee *Lorn.* Is again condemned for leaſing-making, viii. 169. Eſcapes to Holland, 170. Engages in the duke of Monmouth's conſpiracy, 185. Urges Monmouth to rebel againſt James II. 228. Invades Scotland, 237. Is taken and executed, 238.

Arians, two burnt during the reign of James I. vi. 163.

Arlington, Bennet earl of, made ſecretary of ſtate by Charles II. vii. 393. Becomes one of the *cabal* miniſtry, 458. His character, 460. Is ſent to Holland, to treat with Louis XIV. concerning peace with the States, 493.

Armada, the invincible one of Spain, preparations for the equipment of, v. 333. Sails from Liſbon, and is ſcattered by a ſtorm, 339. Its ſtrength when repaired, 340. Makes an unſucceſsful attack on the Engliſh fleet, 342. Is attacked and diſconcerted at Calais by the Engliſh admiral, 343. Sails northward on its return home, and is deſtroyed by a ſtorm, 344.

Armagnacs and *Burgundians*, theſe party denominations in France explained, and the troubles occaſioned thereby, iii. 94, 104.

Armies, ſtanding, the firſt riſe of, iii. 405. When firſt introduced into England, vii. 360. Number of ſtanding forces kept up from the reſtoration to the revolution, viii. 326.

Arminianiſm is perſecuted in the United Provinces, vi. 57. Reflections on the opinion of, 166. Is attacked by the houſe of commons, 274.

Armorica. See *Britanny*.

Arms, coats of, cuſtom of uſing them firſt introduced into Europe, during the cruſades, ii. 38.

Armſtrong, Sir Thomas, is ſeized and executed without trial, for engaging in the duke of Monmouth's conſpiracy, viii. 199.

Army, tendal, its diſadvantages, ii. 265. Becomes diſuſed in favour of a mercenary one, 266.

——, parliamentary, firſt raiſed, and the command given to the earl of Eſſex, vi. 490. See its operations under the reſpective general, *Eſſex*, *Fairfax*, *Mancheſter*, &c. Mutiny of, vii. 85. Forms a military parliament, 87. Seizes the king, 88. Chuſes Cromwel general, 90. Is marched to St. Alban's, 91. Enters into a negociation with the parliament, 96. Accuſes the Preſbyterian leaders in parliament of high treaſon, *ib.* Removes to Reading, after obtaining its demands, 97. Marches back to Hounſlow-heath, where the ſpeakers of the two houſes arrive, and implore its protection, 101. Arrives in London, and reinſtates the ſpeakers, 103. Schemes of, for ſettling the nation, 108. Is reduced to obedience by Cromwel, 109. Subdues the ſcattered parties of royaliſts, 120. For its future operations, ſee *Cromwel*. Is diſbanded at the reſtoration, 355.

——, Scots. See *Leven*, earl of *Leſley*, *Montroſe*, and *Scotland*.

Arran, James earl of, his pretenſions to the adminiſtration of Scotland during the minority of Mary, daughter of James V. iv. 232. Oppoſes and confines cardinal Beaton, *ib.* Contracts the infant-queen to prince Edward of England, 233. Evades the demand of the ſtipulated hoſtages, made by Sadler the Engliſh ambaſſador, 234. Attempts to ſeize the young queen, but fails, and enters into an accommodation, 235. Renounces the reformed religion, 240. Attaches himſelf to Beaton in oppoſition to Lennox, 241. Forces Lennox to fly to England, 245.

His

His feeble oppoſition to the Engliſh incurſions, 248. The Engliſh defeated at Ancram, 249. Ravages the borders of England, *ib.* Refuſes to concur in the execution of Wiſhart the reformer, 297. Engages the duke of Somerſet at Pinkey, 303. Receives ſuccours from France, 310. Obtains a penſion from France, and is created duke of Chatelrault, 312. See *Chatelrault.*

Arran, James Stuart of Ochiltree, made earl of, v. 247. The king taken from the power of him and Lennox, by an aſſociation of Scots nobility, 248. Is confined to his own houſe, 249. Is recalled to court on the king's eſcape, 255. His violent tyrannical conduct, 256. Is degraded from his authority, and deprived of his title and eſtate, *ib.*

Arras, congreſs at, between Charles VII. of France, and the dukes of Bedford and Burgundy, iii. 161.

Array, commiſſions of, iſſued by Charles I. in oppoſition to the militia under parliamentary authority, vi. 488.

Arteville, James de, a brewer at Ghent, becomes a leader of the populace againſt the Flemiſh nobility, ii. 395. Is employed by Edward III. of England to bring the Flemings to aſſiſt his pretenſions to the crown of France, 396. His death, 437.

Arthur, prince of the Silures, is the prince ſo celebrated by the Britiſh bards, i. 24.

———, poſthumous ſon of Geoffrey, third ſon of king Henry II. of England, inveſted in the duchy of Britanny, under the guardianſhip of his grandfather, i. 456. Is declared ſucceſſor by Richard I. on his entering into a cruſade, ii. 40. His title aſſerted by the barons of the French provinces, *ib.* Is taken under protection of, and educated by, Philip of France, 41. Joins with Philip, and commits hoſtilities againſt his uncle John, 46. Is knighted, and marries Philip's daughter, *ib.* Is taken priſoner by John, *ib.* His reſolute behaviour in a conference with him, 47. Is murdered by John, *ib.*

———, prince, eldeſt ſon of Henry VII. born, iii. 322. Married to Catharine of Arragon, 385. Dies, 386.

Articles, fix, the law of, paſſed by the parliament, in the reign of Henry VIII. for aboliſhing diverſity of opinions in religion, iv. 194. A view of them, *ib.* Numerous proſecutions commenced on this act, 200. Is rigorouſly enforced, 212. The penalties on the marriage of prieſts mitigated, 222. A farther mitigation of this law, 243. This ſtatute repealed, 306.

———, lords of. See *Lords.*

Artillery, reflections on the effects of, in war, ii. 432. Firſt uſed at the battle of Crecy, *ib.* When firſt uſed at ſieges, iii. 148. The art and management of, improved ſooner than fortification, 188.

Artois, Robert de, his character, and how he loſt his patrimony, ii. 393. Is favourably received by Edward III. of England, *ib.* Stimulates Edward to aſſert his pretenſions to the crown of France, *ib.* Joins the army of Edward in his invaſion of France, 404. Is routed at St. Omer's, *ib.* ſent with Engliſh ſuccours to Britanny, where he is killed, 420.

Arts, the advantages of cultivating in ſociety, iii. 400. State of, during the reign of Charles I. vii. 341.

Arundel, Humphry, an inſurrection in Devonſhire excited and headed by him, to oppoſe the reformation, iv. 330. He is taken by lord Ruſſel, and executed, *ib.*

———, earl of, condemned by the houſe of peers, and executed, iii. 31.

———, earl of, is appointed one of the commiſſioners at Hampton-court, to inquire into the conduct of Mary queen of Scots, v. 139. Was the firſt who introduced coaches into England, 484.

———, earl of, is ſent with an army to reduce the Scotch covenanters, vi. 339.

Aſcham, envoy from the Engliſh commonwealth to Madrid, murdered there by baniſhed royaliſts, vii. 250.

Aſcue, Anne, cruelly tortured by Wriotheſely, chancellor, for denying the real preſence in the eucharift, iv. 257. Is burnt with other heretics, *ib.*

Aſhley, lord, one of the *cabal* miniſtry, his character, vii. 458. Is made earl of Shafteſbury. See *Shafteſbury*.

Aſke, Mr. raiſes an inſurrection in the north of England, againſt Henry VIII. under the name of the *Pilgrimage of Grace*, iv. 171. Takes Hull and York, 172. Is joined by the archbiſhop of York and lord Darcy, *ib.* His negociations with the duke of Norfolk, ſent againſt him, 173. His adherents ſeparate, 174. Is executed, 175.

Aſſaſſins, whence the origin of the term derived, their prince, and his dangerous authority and principles, ii. 18. Cauſes Conrade, marquis of Monſerat, to be aſſaſſinated, 19.

Aſſembly, general, of the church of Scotland, addreſſes queen Mary on occaſion of the riot at the houſe of Aliſon Craig, v. 52. Exhorts Mary to change her religion, 88. Appoints a faſt to free king James from the danger of evil counſellors, 247. Is ſummoned by James, 248. Votes any ſettlement of terms between James and his mother a moſt wicked undertaking, 250. Appoints a faſt on the day fixed for entertaining the French ambaſſadors, *ib.* Is induced to ſubmit to the king's authority, and admit the juriſdiction of biſhops, vi. 89. Admits the ceremonies enjoined by the king with great reluctance, 90. The biſhops neglect to ſummon it, 322. One ſummoned under the influence of the covenanters, 333. Meets at Glaſgow, and aboliſhes epiſcopacy, 334. Conceſſions obtained of the king, 343. Meets by their own authority together with a convention of ſtates, 540. Concurs in delivering up the king to the Engliſh parliament, vii. 79.

——— of divines at Weſtminſter, new regulation of religion by, vii. 32. Votes the divine right of preſbytery, 70. Its power reſtricted by parliament, *ib.*

Aſtley, lord, general for Charles I. is defeated by colonel Morgan, vii. 65.

Athelſtan, natural ſon of Edward the elder, his reign, i. 102. Conſpired againſt by Alfred, one of his nobles, 103. Appoints Sithric the Dane king

king of Northumberland, 104. His wars againſt Sithric's ſons and the Scots, *ib.* His character, 107.

Athelwold, favourite of king Edgar, his treacherous behaviour to his maſter, in the affair of Elfrida, 124. Killed by Edgar, 125.

Atherton-moor, battle of, between lord Fairfax and the parliamentary forces, vi. 535.

Athole, earl of, forms a confederacy of Scots nobles, to protect prince James from the attempts of Bothwel, and to puniſh the murderers of his father, v. 118. Bothwel eſcapes, and Mary reſigns herſelf into the hands of the confederacy, 119.

Audley, lord, heads an inſurrection in the weſt, againſt Henry VII. iii. 374. Defeated at Blackheath, and executed, 376.

———, Sir Thomas, ſpeaker of the houſe of commons, made lord chancellor on the reſignation of Sir Thomas More, iv. 110.

Augmentation, court of, erected for the management of the revenues of the ſuppreſſed monaſteries, iv. 150.

Augſburg, a German league formed there, againſt Lewis XIV. viii. 277.

Auguſtine, a Roman monk, ſent by pope Gregory to preach chriſtianity in Britain, i. 33. Aſſiſted in his miſſion by queen Brunehaut, *ib.* Is favourably received by Ethelbert, king of Kent, 34. His character and ſucceſsful miſſion, 35. Caſes of conſcience propoſed by, to the pope, 36. Created archbiſhop of Canterbury, 37.

——— friars church, granted to Alaſco and his followers, iv. 347.

Auguſtus Cæſar, diſſuades his ſucceſſors from enlarging their empire, i. 6.

Aviſa, daughter to the earl of Glouceſter, married to John, fourth ſon of Henry II. ii. 2. Is divorced by him, 43.

Auray, du Gueſclin, defeated by the Engliſh near Calais, and taken priſoner, ii. 473.

Ayſcue, admiral Sir George, reduces the Engliſh colonies in America to obedience to the commonwealth, vii. 205. Engages de Ruyter, the Dutch admiral, 214. His ſhip taken by the Dutch on the Galloper-ſands, 412.

Azincour, battle of, iii. 100. Compared with thoſe of Creſſy and Poictiers, *ib.* 103.

B

BABINGTON, Anthony, his character, v. 284. Engages in the ſervice of Mary queen of Scots, 258. Enters into a conſpiracy againſt the life of Elizabeth, 286. He and his aſſociates ſeized and executed, 200.

Bacon, Sir Nicholas, is made one of the council, and lord keeper of the great ſeal on the acceſſion of queen Elizabeth, v. 5. A ſolemn religious diſputation held before him, 12. Is appointed one of the commiſſioners to inquire into the conduct of Mary queen of Scots, 139. Prohibits the parliament by the queen's order from meddling with any matters of ſtate, 173. Reprimands the commons for their preſumption, at the cloſe of this ſeſſion, 181.

Bacon,

Bacon, lord, remarks on his account of Perkin Warbec, iii. 455. Diſplay to the privy-council the undutiful expreſſions in the earl of Eſſex's letters, v. 414. The former friendly patronage afforded him by Eſſex, 416. By the queen's order, draws up a narrative of Eſſex's examination before the council, *ib.* His officious aſſiſtance at the trial of Eſſex, 429. Preſerves Hayward, an author, from the indignation of queen Elizabeth, by his pleaſantry, 457. His ſpeech againſt purveyance, 519. Makes a ſpeech in parliament in favour of an union between England and Scotland, vi. 40, 42. Attempts without ſucceſs to procure an eſtabliſhment for the cultivation of natural philoſophy, 167. Is diſcovered to have taken bribes while chancellor, 109. Is impeached, confeſſes the charge, is fined, and committed to the Tower, *ib.* His writings, and character, *ib.* Conſidered as a philoſopher, and writer, 194.

Badleſmere, lord, inſults Iſabella, queen to Edward II. and kills ſome of her retinue, ii. 347. Is puniſhed by the king, *ib.* Is taken at the defeat of the earl of Lancaſter, tried, and executed, 349.

Badon, Cerdic, the Saxon, worſted there by the Britons, i. 24.

Bagnal, Sir Henry, the Engliſh general in Ireland, is defeated and killed by Tyrone, v. 403.

Bajadox, marquis of, and viceroy of Peru, is, with his wife and daughter, burnt on board a Spaniſh galleon, by ſome of Blake's ſquadron, viii. 257.

Baillie, of Jerviſwood, his trial and execution on account of the duke of Monmouth's conſpiracy, viii. 203.

Bainham, James, cruelly treated by Sir Thomas More, for hereſy, iv. 132. is burnt in Smithfield, *ib.*

Baldwin, earl of Flanders, receives Toſti, duke of Northumberland, i. 177. Aſſiſts the Norman invaſion, 184.

Balfour, Sir James, deputy governor of Edinburgh caſtle, betrays a caſket of queen Mary's letters to Bothwel into the hands of chancellor Morton, v. 142.

Baliol, John, his pretenſions of ſucceſſion to the crown of Scotland, ii. 248. Recognizes the king of England's ſuperiority over Scotland, 256. Edward pronounces deciſion in his favour, 258. Swears fealty to Edward, who puts him in poſſeſſion of the kingdom, *ib.* Is incenſed by the uſurpations of Edward, 259. Forms an alliance with Philip of France, 265. Refuſes compliance with the ſummons and demands of Edward, 280. Aſſembles an army to oppoſe the attacks of Edward, *ib.* Sets Edward at defiance, 281. Swears fealty and makes his ſubmiſſions to Edward, on his ſubduing Scotland, 282. Carried priſoner to London, and committed to the Tower, 283. Obtains his liberty and retires to France, *ib.* Dies in a private ſtation, *ib.* His character, and a ſummary view of his conduct, 312.

———, Edward, ſon of John, the occaſion of his renewing his father's pretenſions to the crown of Scotland, ii. 381. Raiſes a force, and is joined by divers Engliſh barons, 383. Invades Scotland, *ib.* Defeats and kills the earl of Mar, regent, 384. Takes Perth, 385. Is crowned at Scone, *ib.* Is routed by Sir Archibald Douglas, and flies to England, *ib.* Edward III. undertakes to reſtore him, 386. Is reſtored, 388.

288. But the Scots revolt whenever the Engliſh king retires, *ib.* Reſigns his pretenſions to Scotland to Edward, and lives retired, 453.

Ball, John, a ſeditious preacher in the reign of Richard II. inculcates levelling principles among the people, iii. 7. See *Tyler*.

Ballard, John, a prieſt of Rheims, comes to England to concert an aſſaſſination of queen Elizabeth, v. 284. See *Babington*.

Bangor, great ſlaughter of the monks of, by Adelfrid, king of Northumberland, i. 40. The large monaſtery of, deſtroyed, *ib.*

Bannockburn, battle of, between Edward II. and Robert Bruce, king of Scotland, ii. 340.

Banqueting-houſe, at Whitehall, when built, vi. 173.

Barbadoes, the iſland of, when planted by the Engliſh, vi. 188.

Barebone, Praiſe God, a member of Cromwel's parliament, the parliament denominated from him, vii. 229. Origin of the appellation, 230. *note*.

Barr, a council called there, i. 304.

Barillon, M. his relation of a private contract between Charles II. and Lewis XIV. viii. 207, *note*.

Barnard, lecturer of St. Sepulchre's, prays for the queen's converſion, and is reproved by the high commiſſion court for it, vi. 295.

Barnes, Dr. procures Lambert to be accuſed for denying the real preſence in the euchariſt, iv. 190. Is himſelf burnt, 212.

Barnet, battle of, between Edward IV. and the earl of Warwic, iii. 249.

Barons, of England, the firſt indications of a regular aſſociation and plan of liberty among them, ii. 43. Intimidated by John, and attend him in his Norman wars, *ib.* Deſert him, and return to England, 51. Accuſed and fined by him on his return, 54. Again refuſe to aſſiſt him in France, 74. Their ſituation and diſcontents under John, 78. Exhorted by cardinal Langton to inſiſt on a renewal of the charter of liberties granted by Henry I. 79. Confederate for that purpoſe, at St. Edmond's Bury, *ib.* Make a formal demand of the renewal from John, 80. Appeal to the pope, 81. Aſſemble their retainers, *ib.* Deliver to the king a liſt of their demands, *ib.* Chuſe Robert Fitzwalter for their general, on the king's refuſal, 83. Commence hoſtilities againſt John, 84. Obtain the great charter from him, *ib.* The chief heads of this charter, 85. Remarks upon it, 87. John makes farther conceſſions for ſecurity of this grant, 89. Liſt of the conſervators of this charter, 90. The charter annulled by the pope, 92. Langton refuſes to publiſh the pope's bull of excommunication againſt them, *ib.* The king takes Rocheſter from them, and the cruel devaſtation of the country by both parties, 93. Thoſe in the north ally with Alexander king of Scotland, 94. The reſt offer the kingdom to Lewis, ſon of Philip of France, *ib.* Give hoſtages to Philip for their fidelity, 95. Are diſguſted at Lewis's behaviour, 96. Their conteſt ſuſpended by the death of John, 97. The origin of their power, and the nature of military ſervice explained, 102. A view of their civil offices, 109. Their power over their vaſſals, 110. The power of their courts, 111. Their uſual way of life, *ib.* Their importance in parliament, 115. The nature of their courts, 117. Exerciſed a kind of ſovereign authority, 138. More arbitrary in their reſpective

ſpective juriſdictions than their kings, *ib.* Obtain a new charter of liberties from Henry III. 146. And a confirmation of it, 147. Obtain a charter of foreſts, *ib.* Are recovered from their foreign alliance by the judicious endeavours of the earl of Pembroke, protector of the realm, 148. Conclude a peace with him, 151. Their commotions on the death of the earl of Pembroke, 152. Refuſe to ſurrender their fortreſſes into the king's hands, 156. Confederate againſt Hubert de Burgh, *ib.* A reconciliation effected by the prelates, *ib.* Procure the diſmiſſion of Hubert, 160. Combine againſt his ſucceſſor the biſhop of Wincheſter, 161. Confederate with Simon de Montfort, earl of Leiceſter, 182. Aſſemble in parliament dreſſed in armour, 183. A ſupreme council of twenty-four choſen by, in parliament, at Oxford, to regulate the government, *ib.* Regulations formed by this council, 184. The council combine to perpetuate their authority, 186. Impoſe an oath of obedience to them on the whole nation, *ib.* Appoint a committee of equal authority with parliament, to act in the intervals between the ſeſſions of parliament, 187. Send and propoſe the oath of obedience to the proviſions of Oxford, to Richard king of the Romans on his intended viſit to England, *ibid.* The people begin to be jealous of this council, 187. The knights of the ſhires appeal to prince Edward againſt their proceedings, 188. His meſſage to them on the occaſion, *ib.* The council form a code of trivial ordinances, 189. The pope diſinclined toward them, 191. The pope abſolves Henry and the nation from their oath to them, 193. The parliament empowers Henry to reſume the authority out of their hands, 194. They confederate with the earl of Leiceſter, 195. Impriſon the biſhops who publiſhed the pope's abſolution, 197. Levy war on the king, 198. Reduce him to comply again with the proviſions of Oxford, 199. Their diſputes with Henry referred to the arbitration of Lewis king of France, 200. Lewis decides in favour of Henry, 201. They reject Lewis's deciſion, and take arms, *ibid.* Aſſociate with Fitz-Richard the mayor, and the citizens of London, 202. Mutual hoſtilities by them and the king's army, 203. Defeat Henry at Lewis, and take him priſoner, 205. Another appeal to arbitration, 206. Are ill treated by Leiceſter, 207. Their army defeated at Eveſham, and the earl of Leiceſter killed, 215. The lenity of Henry towards them, 218. Prohibited to appear in parliament without being particularly ſummoned by writ, 269. The diſtinctions among them, *ib.* Confirm the two charters in parliament, which are alſo confirmed by Edward I. in Flanders, 291. Obtain a limitation of foreſts, 293. Obtain a full, free, and final confirmation of the two charters, 294. Are allowed by Edward I. to entail their eſtates, 321. Are diſguſted at the attachment of Edward II. to Piers Gavaſton, 329. A confederacy of, formed by Thomas earl of Lancaſter, againſt Gavaſton, 331. Procure his baniſhment, *ib.* Procure the authority of government to be veſted in a junto, 333. Seize Gavaſton, and put him to death, 336. The king's rage on this murder, *ib.* He is reconciled to them, *ib.* Inſiſt on a renewal of the ordinances after the defeat at Bannockburn, 342. They combine to ruin the Deſpenſers, 344. Cauſes of their diſcontents, 345. They peremptorily demand

demand a diſmiſſion of Deſpenſer, *ib.* Obtain of the parliament a ſentence of forfeiture, and perpetual exile againſt the Deſpenſers, 346. They join the invaſion of Iſabella, 353. Murder Deſpenſer, the father, at Briſtol, 356. Are diſcontented with Richard II. iii. 15. Ancient and modern nobility, their ways of life contraſted, 400.

Baronet, that title invented by the earl of Salisbury, and ſold to ſupply king James with money, vi. 71.

Bartholomew, maſſacre of the Hugonots at Paris, on the eve of that feſtival, v. 205.

Barton, a Scotſman, obtains letters of mark of James IV. againſt the Portugueſe, but commits piracies on the Engliſh, iii. 425. Is deſtroyed by the Engliſh admirals, *ib.*

———, Elizabeth, commonly called the *holy maid of Kent*, her hyſterical fits attributed to inſpiration, iv. 135. Is engaged by Maſters and Boking to carry on the impoſture, *ib.* Confeſſes the artifice, and is puniſhed with her aſſociates, 137.

Baſilides, John, Czar of Muſcovy, the cauſe and particulars of his treaty with queen Elizabeth, v. 478. The privileges by him granted to the Engliſh, revoked by his ſon Theodore, *ib.*

Baſtardy, diſputes between the civil and eccleſiaſtical courts concerning, in the reign of Henry III. ii. 222. Memorable reply of the nobility to the prelates on this occaſion, *ib.*

Baſtwick, a phyſician, is cruelly ſentenced by the ſtar-chamber, vi. 306. His ſentence reverſed by the commons, 377. See *Burton*.

Battles, trials by, allowed by Henry II. to be evaded, by appeal to a jury, i. 450.

———. See under the name of the places where they were reſpectively fought.

Battle abbey, founded by William the Conqueror, i. 237.

Bavaria, duke of, defeats the elector palatine at Prague, vi. 104. Publiſhes the ban of the empire againſt the elector, and conquers the Upper Palatinate, 112. Obtains the electoral dignity, 123.

Baudricourt, governor of Vacouleurs, applied to by John d'Arc, ſends her to king Charles VII. iii. 143.

Baugé, battle of, between the duke of Clarence and the Dauphin of France, iii. 114.

Bayonne, a maſſacre of the French Hugonots, planned at a meeting there, v. 93. See *Medicis*, Catherine de; *Philip* of Spain, &c.

Beaton, primate of Scotland, made a cardinal, iv. 231. Is accuſed of forging the will of James V. *ib.* Joins the intereſt of the queen dowager, and obtains poſſeſſion of the government, 232. Is confined by the earl of Arran, his competitor for the adminiſtration, 233. Recovers his liberty, and cabals with the clergy, againſt Arran, *ib.* Procures the retinue of the Engliſh ambaſſador to be inſulted, to occaſion a rupture between the two crowns, 234. Applies to France for ſuccours, *ib.* Attaches himſelf to Arran, 241. Cauſes Wiſhart the reformer to be apprehended and executed for hereſy, 297. Is aſſaſſinated, *ib.* His murderers protected by Henry VIII. of England, 299.

Beauchamp,

Beauchamp, of Holt, lord, is condemned for treaſon, iii. 22. Was the firſt peer created by patent, &c.

Beaufort, duke of, the French admiral, miſſes the Dutch fleet, and eſcapes the Engliſh, vii. 414.

Beaumont, lord, the motive of his engaging Edward Baliol to renew his father's pretenſions to the crown of Scotland, ii. 382.

Beauvais, biſhop of, taken priſoner in battle, by Richard I. ii. 32. His coat of mail ſarcaſtically ſent to the pope, who claimed him, *ib.* Is ſet at liberty by John, 42.

————, biſhop of, petitions for the trial of Joan D'Arc for ſorcery, iii. 156.

Becket. See *Thomas* à Becket.

Bedford, duke of, brother to Henry V. left by him regent of France, iii. 116. Appointed, by parliament, protector or guardian of England, during the minority of Henry VI. 124. His character, *ib.* Eſpouſes the princeſs of Burgundy, 127. Conſiderations on which he formed his conduct in France, *ib.* Treaty at Amiens, *ib.* Reſtores and forms an alliance with James I. king of Scotland, 129. His great ſucceſſes over the French, *ib.* Raiſes the ſiege of Crevant, *ib.* Defeats the earl of Buchan at Verneuil, 131. His ſuccours intercepted by Glouceſter, and applied to his private diſputes, 134. His ineffectual endeavours to compromiſe his brother's quarrels, 135. Reconciles Glouceſter and the biſhop of Wincheſter, *ib.* Situation of affairs in France at his return, 136. Reduces the duke of Britanny to maintain the treaty of Troye, 137. His prudent conduct on the ſucceſſes of Joan D'Arc, 152. His ſupplies from England fail, 153. Perſuades the biſhop of Wincheſter to lend him the men he was conducting into Bohemia, *ib.* His prudent caution in avoiding an action with Charles, *ib.* Gets young Henry VI. crowned at Paris, 154. His cruel proſecution of Joan D'Arc, 155. Bad ſituation of the Engliſh affairs in France, 159. Death of the ducheſs of Bedford, and its conſequences, *ib.* Agrees to a congreſs at Arras, 161. The Engliſh miniſters leave the congreſs, which is concluded without them, *ib.* Dies, 163.

————, Ruſſel, earl of, is ſent over to Bonlogne, to negociate peace with Henry II. of France, iv. 342. Suppreſſes Sir Peter Carew's inſurrection in Devonſhire, 388. Is made one of the council on the acceſſion of queen Elizabeth, v. 5. Is ſent by Elizabeth to officiate at the baptiſm of Prince James of Scotland, 100.

————, earl of, is ſent by the parliament with forces againſt the marquis of Hertford, vi. 503. Deſerts to the king at Oxford, 529.

Bedloe, his character, viii. 79. His narrative of Godfrey's murder, and the popiſh plot, 80. His narrative publiſhed, 82. Circumſtances of his death, 133.

Bele, Dr. inſtigates an inſurrection againſt foreign artificers in London, iv. 274.

Bell, Robert, a puritan member, makes a motion in the houſe of commons againſt a monopoly, v. 178. Is ſeverely reprimanded in council for his temerity, 180.

Benedictines, an Italian order of monks, deſcribed, i. 110.
Benefices, how they firſt came into the hands of laymen, iv. 183.
Benevolences, when firſt levied, iii. 58. Levied by Henry VII. 350. The power of levying eſtabliſhed by parliament, 367. See *Loans*.
Bennet. See *Arlington*.
Bentivoglio, cardinal, his remark on the Engliſh government, vi. 568.
Berengaria, daughter of Sanchez, king of Navarre, married to Richard I. of England, at Cyprus, and attends him on the cruſade, ii. 12.
Berkeley, lord, Edward II. delivered into his cuſtody, jointly with Mautravers and Gournay in rotation, ii. 358. The king murdered by the two latter, during his confinement by ſickneſs, 369.
———, judge, is ſeized upon the bench, by order of the houſe of commons, on account of Hambden's trial, vi. 373.
Berkſtead, one of the king's judges, is ſeized in Holland, brought home, and executed, vii. 380.
Bermudas, when firſt ſettled by the Engliſh, vi. 187.
Bernard, St. preaches a cruſade, and engages ſeveral Engliſh in it, i. 367.
Bernicia, the Saxon kingdom in Britain, by whom founded, i. 26. See *Northumberland*.
Bertha, queen of Kent, her zeal for the propagation of Chriſtianity, i. 32.
Berwick taken by aſſault by Edward I. and the garriſon put to the ſword, ii. 281.
Bible, a tranſlation of, made by Tindal the reformer, iv. 131. Biſhop Tonſtal's artifice to enable Tindal to make a more correct tranſlation, *ib.* Debates in convocation concerning the expediency of a tranſlation for the uſe of the people, 151. A tranſlation finiſhed and printed at Paris, 154. Single copies only allowed to be chained in ſome churches, with reſtrictions as to reading it, 177. Granted to every family, 200. The iſſue of it prohibited to the lower claſſes of the people, 224.
Bicocca, battle of, between marſhal Lautrec and the Imperialiſts, iv. 42.
Bigod, Hugh, his artifice to bring the archbiſhop of Canterbury to countenance the pretenſions of king Stephen, i. 352. Preparing to revolt againſt Henry II. is reduced to ſurrender his caſtles, 445.
———, *Roger*, earl of *Norfolk*. See *Norfolk*.
Bilney, Thomas, a prieſt, embraces the reformation, iv. 133. Is burnt in Norfolk, *ib.*
Biron, lord, commands the forces ſent from Ireland to Charles I. and reduces Cheſhire, vii. 7. His forces diſperſed by Fairfax, *ib.*
Biſhops, Engliſh, ſubſcribe the conſtitutions of Clarendon, i. 395. Their oppoſition to the pope's levies for the cruſade againſt Sicily, ii. 173. Are forced to ſubmit on the menace of excommunication, 174. Their election appointed by parliament to be by *congé d'elire*, or letters patent from the king, without recourſe to Rome, iv. 118. Take out new commiſſions from the crown, 119. Are kindly received by queen Elizabeth, at her acceſſion, excepting Bonner, v. 3. Become diſguſted at her ſteps toward reſtoring the proteſtant religion, and refuſe officiating at the coronation, 8. The nomination of, annexed to the crown, with other

other powers relating to them, 12. Degraded for refuſing the oath of ſupremacy, 15. Begin to be ſlighted in parliamentary proceedings, vi. 384. A meeting of twelve, preſent a proteſtation to the king and peers, againſt their injurious treatment, 465. Are impeached by the commons, ſequeſtered from parliament, and confined, *ib.* The bill againſt their votes paſſed, 479. Epiſcopal authority aboliſhed, vii. 69. The ſurvivors re-admitted to their ſeats, at the reſtoration, 362. Are reſtored to their ſeats in parliament, 372. How excluded from ſitting in the houſe of lords, on capital trials, viii. 109. Their right of voting in the caſe of the earl of Danby conteſted by the commons, *ib.* Four catholic biſhops conſecrated, 262. Six, with the primate, committed to the Tower for petitioning James II. againſt the declaration of indulgence, 269. Are tried, 270. Acquitted, 271.

Biſhoprics, ſix new ones erected by Henry VIII. iv. 183.

Black, miniſter of St. Andrews, his opinion of kings, and manner of praying for the queen, vi. 87.

—— book of the exchequer, its origin, ii. 267, *note*.

Blackheath, battle of, between the lord Daubeney and the Corniſh rebels, iii. 375.

Blake, admiral, his riſe and abilities in the navy, vii. 204. Purſues and haraſſes prince Rupert's fleet, *ib.* Quarrels with Tromp, the Dutch admiral, in Dover road, 212. Engages Tromp, *ib.* Falls upon the Dutch herring buſſes, 213. In conjunction with Bourne and Pen, defeats De Witte and De Ruyter, 214. Is worſted by Tromp and De Ruyter, *ib.* Engages Tromp for three days, and defeats him, 215. Defeats Tromp in an engagement of two days continuance, 235. Attacks and ſeizes a ſquadron of French ſhips, 249. His ſucceſſes in the Mediterranean, 253. The Spaniſh galleons taken and deſtroyed by part of his ſquadron, 257. Burns a Spaniſh fleet in Santa Cruz harbour, 258. His death and character, *ib.*

Blood, the circulation of, when, and by whom diſcovered, vii. 347.

—— of Chriſt, a relique ſhewn at Hales in Glouceſterſhire, the artifice of, expoſed, iv. 180.

——, a diſbanded officer, eſcapes to England, after the defeat of his intended inſurrection at Dublin, by the Duke of Ormond, vii. 447. Seizes Ormond at London, with intent to hang him at Tyburn, 469. Forms a deſign of ſeizing the regalia, but is taken in the attempt, 470. Obtains the king's pardon, with the grant of an eſtate, 471.

Blore heath, battle of, between the earl of Saliſbury and lord Audley, iii. 203.

Boadicea, her ſucceſſes againſt the Romans, i. 8. Defeated, 9.

Bocher, Joan, or Joan of Kent, the doctrines propagated by her, iv. 324. King Edward VI. very unwilling to conſent to her execution, *ibid.* Is burnt, *ibid.*

Bocking, Dr. canon of Canterbury, engages in the impoſture of the holy maid of Kent, iv. 135. Confeſſes the ſcheme, and is puniſhed, 137.

Bockland, and Folkland, in the Saxon tenures, explained, i. 229.

Bohemia, the blind king of, killed at the battle of Crecy, ii. 436. His creſt and motto aſſumed by prince Edward, *ib.* The ſtates of, take

arms againſt the houſe of Auſtria, vi. 101. Offer their crown to Frederic elector palatine, 102. Frederic defeated by the Duke of Bavaria, 104. The reformed religion ſeverely oppreſſed there, 112. See *Frederic*.

Bohun, Humphrey de. See *Barons*.

Boleyn, lady Anne, her character and family, iv. 78. Attracts the notice of Henry VIII. 79. Is prepoſſeſſed againſt cardinal Wolſey, 91. Contributes to his diſgrace, 93. Is inclined towards the doctrines of the reformation, 100. Is created marchioneſs of Pembroke, and married to Henry, 111. Birth of the princeſs Elizabeth, 113. Favours the reformers, 129. Is brought to bed of a dead ſon, and loſes Henry's affections, 154. The king becomes jealous of her free behaviour, 155. Is calumniated by her ſiſter-in-law the vicounteſs of Rochford, *ib.* Is committed to the Tower with ſome of her attendants, and her brother Rochford, 157. Confeſſes ſome innocent levities, *ib.* Her letter to the king, 454. Is tried by a jury of peers, 159. Condemned, 160. Her marriage annulled, *ib.* Reaſon given by the parliament for annulling her marriage, 163. Is executed, 161. Reflections on her fate, *ibid.* Is attainted by parliament, and the princeſs Elizabeth illegitimated, 164.

Bombay, the fort of, yielded to Charles II. as part of the dowry with the princeſs Catherine of Portugal, vii. 378.

Boniface of Savoy made archbiſhop of Canterbury, by Henry III. ii. 163. The king's repartee to him, 178.

Boniface VIII. pope, his character, ii. 284. Prohibits, by a bull, all princes from levying taxes on the clergy, without his conſent, 285. At whoſe ſolicitation this bull was procured, *ib.* The differences between Philip of France and Edward I. of England, referred to his deciſion, 297. His award between them, *ib.* Writes to Edward to engage him to deſiſt from his attempts againſt Scotland, 307.

Bonner, made biſhop of Hereford, iv. 189. Firſt oppoſes, but afterwards acquieſces in the ſteps toward reformation by the protector and regency, during the minority of Edward VI. 292. Is deprived of his ſee and confined, for aſſerting the real preſence, 322. Is releaſed by queen Mary, 374. Is employed by Gardiner to perſecute the reformers, which he performed with brutal cruelty, 413. Degrades archbiſhop Cranmer, 429. Is ill received by queen Elizabeth at her acceſſion, v. 3.

Bonnivet, admiral of France, is ſent ambaſſador to England by Francis I. iv. 13. Courts the confidence of cardinal Wolſey, *ib.* Is ſent to invade Milan, 53. Blockades the city, 45.

Books, heretical, a proclamation iſſued againſt, rendering it capital to keep any ſuch, iv. 419.

Booth, Sir George, enters into a conſpiracy to reſtore Charles II. vii. 300. Seizes Cheſter, 301. Is routed and taken priſoner by general Lambert, 302. Is ſet at liberty by parliament, 320.

Boroughs, Engliſh, why ſo dependent on great men, among the Saxons, i. 205. Their ſtate at the time of the Norman conqueſt, ii. 117. Repreſentatives of, firſt ſent to parliament, 210. See *Corporations*.

Borough-bridge, battle of, between Sir Andrew Harcla and Thomas earl of Lancaſter, ii. 348.

Borſholder,

Borſholder, his office according to Alfred's inſtitution, i. 92.
Boſcobel, Charles II. ſecreted there, after the battle of Worceſter, vii. 197.
Boſworth field, battle of, between Richard III. and Henry earl of Richmond, iii. 294.
Bothwell, earl of, diſtinguiſhes himſelf againſt the army of the proteſtant aſſociation in Scotland, called the *Congregation of the Lord*, v. 33. Is concerned with the marquis of Elbeuf in a debauch, and riot, at the houſe of Aliſon Craig, which the church takes cognizance of, 52. Becomes the favourite of Mary, and intercedes for Rizzio's murderers, 99. A character of him, 105. Reports ſpread of his intimacy with the queen, *ib.* Is ſuſpected of murdering the king, 107. Is charged with the murder by the earl of Lenox, 108. Is tried and acquitted, 109. Is recommended by the nobility as a huſband for Mary, 110. Seizes the queen, by concert with her, to oblige her to marry him, 111. Is divorced from his former wife, 112. Is made duke of Orkney, 113. See *Orkney*.
———, earl of, deſcended from a natural ſon of James V. is expelled Scotland for treaſonable attempts, and is protected by queen Elizabeth, v. 372. Forfeits Elizabeth's favour, and dies in exile, 373.
——— bridge, battle of, between the duke of Monmouth, and the Scots covenanters, viii. 116.
Bouchain, taken by the duke of Orleans, viii. 21.
Bovines, battle of, between Philip king of France, and the emperor Otho, ii 77.
Boulogne, ſiege of, by Henry VII. iii. 354. Is taken by Henry VIII. iv. 247. Is ſurrendered to the French, 342.
Bourbon, Charles duke of, conſtable of France, his character, iv. 50. Rejects propoſals of marriage made to him by Louis of Savoy, mother of Francis I. *ib.* Revolts againſt Francis, and enters into the emperor's ſervice, *ib.* Battle of Pavia, and captivity of Francis, 57. Conquers the Milaneſe, 69. Attacks Rome, and is killed in ſcaling the walls, *ib.*
Bourchier, archbiſhop of Canterbury, crowns Henry VII. iii. 315.
Bowes, Sir Robert, makes an incurſion into Scotland, and is defeated by the lords Hume and Huntley, iv. 228.
Boyle, his improvements in natural philoſophy, viii. 333.
Brabançons, account of theſe banditti, i. 438. Occaſionally employed by princes, *ib.* A number of them engaged by Henry II. againſt his ſons, *ib.* Two of them left governors of Normandy by John, on his retiring from thence to England, ii. 53.
Bradoc-down, battle of, between the royaliſts, and Ruthven the parliament general, vi. 516.
Bradſhaw, a lawyer, is appointed preſident of the court for the trial of Charles I. vii. 136. His reply to the king's objections to the authority of the court, 139. Sentences the king, *ib.* Is named one of the council of ſtate, 158.
Brandenburg, elector of, takes part with the United Provinces againſt Louis XIV. vii. 499. Commands the German troops, and is chaſed from Colmar by Turenne, viii. 10. Drives the Swedes out of his territories,

tories, 19. Is obliged to reſtore his acquiſitions, by the treaty of Nimeguen, 46.

Brandon, Sir Charles, favourite of Henry VIII. created duke of Suffolk for his ſervices at the battle of Flowden, iii. 440. See *Suffolk*.

Brauſe, William de, his wife and ſon ſtarved to death in priſon, for an imprudent reflection on king John, ii. 66.

Bread, the aſſize of, how ſettled in the 35th year of Henry III. ii. 224.

Breda, negociations there, between Charles II. and the Scots commiſſioners, vii. 173. Treaty of peace there, between the Engliſh, Dutch, and Freneh, 419.

Brehon law or cuſtom in Ireland, explained, vi. 58. Is aboliſhed, 59.

Brembre, Sir Nicholas, his unjuſt trial and execution, iii. 20.

Breteuil, William de, treaſurer to William Rufus, forced to deliver up his charge to Henry, William's ſucceſſor, i. 313.

Bretigni, treaty of, between Edward III. and France, ii. 469.

Bribery, the firſt inſtance of, being practiſed toward members of parliament, vi. 305. A bribe given to a mayor for an election, with the probable reaſon for it, v. 183, *note*.

Brill, attacked and ſeized by the Flemiſh exiles, v. 214.

Briſtol, when firſt erected into a biſhopric, iv. 183. Is beſieged and taken by prince Rupert, vi. 522.

———, Digby, earl of, ſent ambaſſador to Spain, by James I. to conclude the Spaniſh match, vi. 125. His favourable accounts of the progreſs of the treaty, 127. His negociations obſtructed by Buckingham's bringing the prince to Spain, 136. Is diſgraced on coming home, 147. Is impeached in the reign of Charles, and in return impeaches Buckingham, 215.

———, earl of, impeaches the chancellor Clarendon in the houſe of lords, vii. 392.

Britain, by whom firſt peopled, i. 2. 471. The manners and government of the inhabitants previous to the landing of Cæſar, 3. Their religion, 4. Invaded by Julius Cæſar, 6. How regarded and treated by his ſucceſſors, *ib*. Caractacus defeated, 7. Boadicea defeated, 8. Its ſubjection effected by Julius Agricola, 9. Abandoned by the Romans, 11. Haraſſed by the Picts and Scots, 12. Aſſiſted by the Romans in rebuilding Adrian and Severus's wall, and finally deſerted by them, 13. Why they were unable to reſiſt the Picts and Scots, *ib*. Their third application to Rome for aſſiſtance ineffectual, 14. Conjectures as to their civil government, when left by the Romans, 15. Invite the Saxons over, 16. Are ſubjected by theſe auxiliaries, 19. Some of them take refuge, and ſettle in Britanny in France. 21. Conſequences of their being overrun by the Saxons, 27. See *England*.

Britanny, by whom ſettled, i. 21. For Arthur duke of, ſee *Arthur*. For Conan, ſee *Conan*. The Britons chuſe Alice for their ſovereign, on the murder of Arthur by his uncle John king of England, ii. 48. They appeal to Philip, who judges John to have forfeited all his poſſeſſions in France, 49. Gny de Thouars, who governs for his daughter Alice, being jealous of Philip's power, joins with John, 55. Conteſts between Charles

Charles de Blois, and the count de Mountford, for the poſſeſſion of that dutchy, ii. 416. State of, at the time of Henry VII. of England, iii. 335. The barons incite an invaſion by the king of France, 336. Aſſiſted too late by the Engliſh, 345. Cauſe of their domeſtic diſſentions, 346. The young ducheſs married to Maximilian, *ib.* Annexed to France by marriage, 349.

Britanny, duke of, accedes to the treaty of Troye, iii. 127. His intereſt, how cultivated by the duke of Bedford, *ib.* Withdraws from the Engliſh intereſt, 136. Created conſtable of France, *ib.* Forced by the duke of Bedford to renounce his new alliance, 137.

———, Francis II. duke of, his character, iii. 335. His favourite Peter Landius put to death by the nobles, *ib.* Protects Lewis duke of Orleans at his court, who forms a party there, 336. Appoints Orleans to oppoſe the invaſion of the king of France, *ib.* Obliged to fly, 337. His anſwer to the offer of mediation by Henry VII. 341. His fortune ruined, and his death, 343.

———, Anne, ducheſs of, married by proxy to Maximilian king of the Romans, iii. 346. Preſſed to a marriage with the king of France, 349. The dutchy annexed to the crown of France by this marriage, *ib.*

Broke, lord, a parliament general, account of his death, vi. 514.

Brook-houſe committee, inquiry into their conduct towards Charles II. vii. 455. 531.

Brounker, inquiry into his conduct, in the engagement between the duke of York and Opdam the Dutch admiral, vii. 403.

Bruce, Robert, his claim of ſucceſſion to the crown of Scotland, how founded, ii. 248. Acknowledges the claim of Edward I. as ſuperior lord of Scotland, 256. His claim to Scotland rejected by Edward, in favour of Baliol, 258. Countenances the revolt of William Wallace, 300.

Bruce, Robert, the younger, ſerves in the Engliſh army, at the battle of Falkirk, ii. 305. His conference with William on the banks of Carron, *ib.* Is gained over to the Scots intereſt by Wallace, 306. Succeeds to his father's pretenſions to the crown of Scotland, 312. Opens his deſigns in confidence to John Cumming the late regent, 313. Is betrayed by Cumming, 314. Retreats to Scotland, *ib.* His declaration to the Scots nobility, *ib.* Kills Cumming, 316. Routs the Engliſh, and is crowned at Scone, 317. Is defeated by Aymer de Valence, *ib.* Reduces the caſtles, and is acknowledged by the whole country, 337. The prudent diſpoſition of his forces, againſt the appearance of Edward's army, 339. Defeats Edward at Bannockburn, 340. His independency ſecured by his victory, 341. Makes an unſucceſsful expedition to Ireland, 342. Repulſes an attempt of Edward, and concludes a truce with him for thirteen years, 350. Invades England on the death of Edward II. 372. Concludes a treaty with Mortimer, 376. Dies, and is ſucceeded by his ſon David. See *David*.

———, David, ſucceeds his father, Robert, in the kingdom of Scotland, and left under the guardianſhip of the earl of Murray, ii. 381. Is diſturbed by the pretenſions of Baliol, 382. The regency committed to the earl of Marre, on Murray's death, 383. Is ſent to France on the conqueſt of Scotland by Edward Baliol, 385. Is recalled to Scotland,

439. Invades England during Edward's abſence, *ib.* Is taken priſoner by queen Philippa, 440. Recovers his liberty, 461.

Buchan, earl of, defeats the duke of Clarence at Baugé in Anjou, iii. 114. Rewarded with the office of conſtable of France, *ib.* Defeated and killed by the duke of Bedford at Verneuil, 132.

Buchanan, George, aſſiſts in the hearing the cauſe of Mary queen of Scots, before the Engliſh commiſſioners, v. 134.

Buckingham, duke of, harangues the people in favour of the duke of Glouceſter's pretenſions to the crown, iii. 278. Offers the crown to him as a popular tender, 279. His pedigree and family connections, 282. Created conſtable, with other emoluments, 283. Becomes diſcontented, and forms ſchemes againſt Richard, 284. Raiſes forces, but is diſappointed by great rains, 289. Tried and executed, *ib.*

———, duke of, offends cardinal Wolſey, iv. 27. Is tried and executed for indiſcreet expreſſions againſt Henry VIII. *ib.* Was the laſt who enjoyed the office of conſtable, 28.

———, George Villiers, created duke of, vi. 79. Is made lord high admiral, *ib.* His character, 128. Perſuades prince Charles to a journey to Madrid, 129. His boiſterous importunity with James to gain his conſent, 131. His behaviour odious to the Spaniards, 136. Affronts Olivarez the Spaniſh miniſter, *ib.* Determines to break off the treaty of marriage, 137. Miſrepreſents the affair to parliament, 140. Cabals with the puritans, 142. Procures the treaſurer Middleſex to be impeached, 143. Begins to loſe the king's favour, 146. Prevails on the king to ſend Briſtol to the Tower on his return, 147. Remarks on his character, and its influence on parliamentary conduct, 201. Is impeached by the earl of Briſtol, 215. And by the commons, *ib.* Is choſen chancellor of the univerſity of Cambridge, 217. Makes love to the queen of France, 234. Is rivalled by cardinal Richlieu, *ib.* Determines to engage England in a war with France, *ib.* Commands a fleet ſent to aſſiſt the Rochellers, who refuſe to admit him, 236. His indiſcreet attack of the iſle of Rhee, *ib.* Is forced to return, *ib.* Is aſſaſſinated by Felton at Portſmouth, 261. Remarks on his Spaniſh negociation, 571.

———, Villiers duke of, adviſes Charles II. to accept the terms offered by the Scots commiſſioners at Breda, vii. 175. Is the only courtier allowed to attend Charles in Scotland, 193. Aims at a comprehenſion with the preſbyterians, and a toleration of other ſects, 453. Is one of the *cabal* miniſtry, 458. His character, 459. Goes over to France, to concert the war againſt the States, 465. Lord Oſſory's ſpeech to him, on Blood's attempt on the duke of Ormond, 470. Is ſent to Holland to treat with Louis XIV. about peace with the States, 492. Is examined on his conduct at the bar of the houſe of commons, 512. Is diſmiſſed from the miniſtry, viii. 10. Favours, in conjunction with Algernon Sidney and others, the intrigues of France, and receives bribes from that court, 43, *note.* Introduces the manufacture of glaſs from Venice, 348. Character of his Rehearſal, 353.

Bullion, and foreign coin, when firſt allowed to be exported, viii. 329.

Burchet, Peter, a puritan, wounds captain Hawkins by miſtake, inſtead of Hatton, Elizabeth's favourite, v. 455.

Burdet, Thomas, cruel execution of, in the reign of Edward IV. iii. 261.
Burgeſſes of corporations, when firſt ſummoned to parliament, ii. 210. The principles that operated to their forming one body of the legiſlature, with the repreſentatives of counties, 277.
Burgundians and Armagnacs, import of thoſe diſtinctions in France, and the troubles occaſioned by, iii. 94. 104.
Burgundy, John duke of, diſputes the adminiſtration of affairs with the duke of Orleans, on the inſanity of Charles VI. iii. 93. His deceitful reconciliation with Orleans, *ib.* Cauſes him to be aſſaſſinated, *ib.* Avows, and juſtifies the aſſaſſination, *ib.* Expelled France, and ſolicits the aid of England, 98. Attempts to ſeize the government, but is diſappointed, 104. His treaty with Henry V. and ſecret one with the Dauphin, 107. Diſtruſtful precautions in the interview between him and the Dauphin, 108. Aſſaſſinated by the Dauphin's retinue, *ib.*
———, Philip duke of, treats with Henry V. yields every thing to him, for the marriage of his ſiſter with the duke of Bedford, and the revenging his father's murder, iii. 110. Articles of this treaty, *ib.* Reflections on this treaty, 111. Review of his conduct, 126. Marries his ſiſter to the duke of Bedford, 127. His quarrels with the duke of Glouceſter on account of Jaqueline counteſs of Hainault, 134. Detaches himſelf from the Engliſh intereſt, 136. Recalls his troops from the ſiege of Orleans, 140. His alliance with the duke of Bedford renewed, 152. Beſieges Compeigne, and takes Joan D'Arc priſoner, 155. Differs with the duke of Bedford, 160. Attends the congreſs at Arras, 161. Makes his peace with Charles, 162. His herald ill-treated at London, *ib.* Beſieges Calais, 164. Retreats on the defiance ſent by the duke of Glouceſter, 165. Concludes a truce with the Engliſh, 167.
——— Charles duke of, makes an alliance with Edward IV. of England, iii. 231. Marries Edward's ſiſter, 232. Aſſiſts him with a fleet againſt the earl of Warwick, 240. Aſſiſts him covertly after his expulſion, 245. Renews his alliance with Edward, 252. His death and character, 259.
———, Margaret, ducheſs of, her character, iii. 328. How induced to patroniſe the pretenſions of Lambert Simnel againſt Henry VII. *ib.* Sends forces to his aſſiſtance, *ib.* Raiſes up the impoſture of Perkin Warbeck, 356. Her public reception of him, 358.
Burleigh, Cecil lord, diſcovers to Elizabeth the duke of Norfolk's conſpiracy, v. 198. Is made treaſurer, and with others ordered by Elizabeth to prepare the articles of marriage between her and the duke of Anjou, 241. His vigilance and artifices in detecting conſpiracies, 257. His death and character, 392. Was the propoſer of a ſcheme for levying a general loan, 460. And of exacting money by erecting a court for the correction of abuſes, 462. His computation of the queen's gifts to Eſſex, 474. His magnificent hoſpitality, 487.
Burley, Sir Simon, ſhort hiſtory of, iii. 22. Executed by Glouceſter and his party, notwithſtanding the queen's earneſt ſolicitation for him, 23.
Burton, a divine, is cruelly ſentenced by the ſtar-chamber, vi. 306. His ſentence reverſed by the commons, 377. See *Baſtwick*.
Butler, a character of his Hudibras, viii. 337.

C

CABAL, a character of the miniſtry known under that name, vii. 458. The counſels given by, to the king, 461. Remarks on the ſchemes adopted by, viii. 1. Concert a plan for reſtoring popery, 4, *note*.

Cabot, Sebaſtian, ſent out by Henry VII. on diſcovery in America, iii. 405. Diſcovers Newfoundland, 406.

Cade, John, aſſumes the name of Mortimer, iii. 189. Heads an inſurrection in Kent, *ib*. Gets poſſeſſion of London, *ib*. His followers diſcouraged and diſperſed, 190. Cade killed, *ib*.

Cadiz, an expedition againſt, under lord Effingham and the earl of Eſſex, v. 379. Is taken and plundered, 380.

Caedwalla, the laſt Britiſh chief who withſtood the Saxons, defeated, i. 44.

Caen, in Normandy, is taken and plundered by Edward III. ii. 428. Its principal citizens carried over to England, *ib*.

Cæſar, Julius, invades Britain, i. 6.

Calais, in Normandy, is beſieged by Henry III. ii. 437. The governor reduced to a parley, and his manly behaviour therein, 440. Edward's rigorous terms to the inhabitants, 441. Queen Philippa's interceſſion for them, 443. Its inhabitants turned out, and peopled with Engliſh, *ib*. The treachery of the new governor, 444. His double treachery, *ib*. Great expence of maintaining that city, iii. 121. Is beſieged by the duke of Burgundy, iii. 164. The ſiege raiſed, 165. Taken by the duke of Guiſe, iv. 435.

Caledonia, remains unſubdued by the Romans, i. 10. See *Scotland*.

Calixtus II. pope, calls a council at Rheims, i. 336. His character of Henry I. of England, 337.

Cambray, league of, againſt the Venetians, iii. 415. Peace of, between the emperor Charles V. and Francis I. of France, iv. 98.

Cambridge univerſity, by whom ſaid to be founded, i. 46. Trinity college there, when founded, iv. 279. The vice-chancellor of, ſuſpended for the refuſal of a degree to a Benedictine monk recommended by James II. viii. 264.

Camden, a character of his hiſtory of queen Elizabeth, vi. 195.

Campbell, prior of the Dominicans in Scotland, accuſes Patrick Hamilton of hereſy, and inſults him at the ſtake, iv. 214. His extraordinary death, 215.

Campe, peace of, between Henry VIII. of England and Francis I. of France, iv. 253.

Campeggio, cardinal, is appointed jointly with Wolſey, by pope Clement VII. to try the validity of the marriage of Henry VIII. with Catharine of Arragon, iv. 85. His ambiguous behaviour, *ib*. The trial opened, 87. His abrupt prorogation of the court, 90. Is deprived of his Engliſh biſhopric by parliament, 118.

Campion, a jeſuit, executed for treaſonable practices, v. 239.

Cannon, when firſt applied with ſucceſs in ſieges, iii. 139.

Canon law, commiſſioners appointed by Edward VI. to frame a body of, iv. 341.

Canterbury,

Canterbury, the clandeſtine election of Reginald to that ſee, on the death of Hubert, ii. 57. John de Gray biſhop of Norwich elected at the inſtance of king John, 58. Appeals to the pope on both ſides, *ib.* Diſputes with the pope concerning the election of Ralph de Neville to that ſee, 168. Terminated by the election of Edmund, *ib.* The chapter lands of that ſee, ſeized by Henry VIII. iv. 222. Archbiſhops of, during the reignof James I. vi. 154. During the reign of Charles I. vii. 152.

Canute, the Great, ſon of Sweyn, his ravages in England, i. 145. His cruel treatment of the Engliſh hoſtages, *ib.* Obtains by compromiſe with Edmond Ironſide the northern part of his kingdom, 147. Succeeds to the crown of England, 148. His political conduct, 149. Marries Emma, widow of Ethelred, 150. Goes to Denmark to oppoſe the Swedes, 151. Goes again and conquers Norway, *ib.* His piety to the church, 152. Undertakes a pilgrimage to Rome, *ib.* Expoſes the preposterous flattery of his courtiers, *ib.* His expedition againſt the Scots, 153. His ſons, 154.

Cape of Good Hope, firſt diſcovered, and a paſſage to the Eaſt Indies that way, iii. 404.

Capel, Sir William, convicted on ſome penal ſtatutes, and fined by Henry VII. iii. 365. Fined again, and committed to the Tower, 394.

Capet, Hugh, ſtate of France at his acceſſion to that kingdom, i. 371. 374.

Caractacus, defeated by the Romans, i. 7.

Carew, Sir Peter, raiſes an inſurrection in Devonſhire againſt queen Mary, on account of the Spaniſh match, iv. 388. Is ſuppreſſed by the earl of Bedford, and flies to France, *ib.*

Carliſle, biſhop of, defends the cauſe of Richard II. when accuſed in parliament, iii. 43. Impriſoned in the abbey of St. Alban's, 46. The city taken from Charles I. by the Scots, vii. 61.

Carolina, when ſettled, viii. 328.

Carre, Robert, a Scottiſh gentleman, arrives in London from his travels, vi. 64. How introduced to king James I. *ib.* Is made viſcount Rocheſter, and promoted to the privy council, 65. His education undertaken by James, *ib.* Contracts a friendſhip with Sir Thomas Overbury, 66. Contracts a familiarity with lady Eſſex, 67. Is inſtigated by her to ruin Sir Thomas Overbury, 68. Procures the divorce of lady Eſſex, marries her, and is created Earl of Somerſet, 70. See *Somerſet*.

Carte, Mr. remarks on his account of the firſt formation of the houſe of commons, ii. 277. 507. His notion of the nature of the homage paid by the kings of Scotland to thoſe of England, examined, 502. Examination of his account of Perkin Warbec, iii. 454.

Caſſilis, earl of, taken priſoner by the Engliſh at the battle of Solway, iv. 230. Is releaſed by Henry on conditions, 231. Is the only priſoner who complies with the order to return to England, 234. Is graciouſly treated by Henry, and releaſed by his brothers, *ib.*

Caſimir, prince, leads an army of German proteſtants to the aſſiſtance of the French Hugonots, v. 211. Is aſſiſted by queen Elizabeth with money for this purpoſe, 213.

Caſtile, Peter king of, his cruelties, ii. 474. Impriſons and poiſons his wife,

wife, Blanche de Bourbon, *ib.* Is chaſed from his dominions by Du Gueſclin the French general, 476. Is protected by prince Edward, *ib.* Henry, natural brother to Peter, ſeizes the kingdom, 477. Peter reſtored by prince Edward, 478. His ingratitude to Edward, *ib.* Peter murdered by his brother Henry, who obtains the kingdom, *ib.* Henry intercepts the earl of Pembroke by ſea, and takes him and his army priſoners, 482. Iſabella, queen of, married to Ferdinand king of Arragon, iii. 385. Comes to Philip archduke of Auſtria, by marriage with Joan daughter to Iſabella, on the death of Iſabella, 390. Returns to Ferdinand on the death of Philip, 394. The ſtates of, oppoſe the emperor Charles marrying the princeſs Mary of England, iv. 76.

Caſtles of the nobility, the miſchievous purpoſes they ſerved, i. 360. The number of, in England, in the early part of the reign of Henry III. ii. 156.

Caſtlemain, earl of, is accuſed of an intention to aſſaſſinate the king, but acquitted, viii. 127. Is ſent ambaſſador to the pope by James II. 261.

Cateau Cambreſis, peace of, between Philip of Spain, Henry of France, and Elizabeth of England, v. 16.

Cateſby, concerts the famous gunpowder-plot, to blow up the king and parliament, vi. 31. Flies on the diſcovery of the ſcheme, 36. Is killed, *ib.* Remarks on his former good character, 37.

Catharine, princeſs of France, married to Henry V. of England, iii. 112. Brought to bed of a ſon, afterward Henry VI. 115. Marries, after her huſband's death, Sir Owen Tudor, a Welſh gentleman, and thus founds the future grandeur of that name, 118. See *Tudor*.

——— of Arragon, married to prince Arthur of England, iii. 385. On the death of her huſband married to prince Henry, afterwards Henry VIII. 386. Henry entertains ſcruples concerning his marriage with her, iv. 76. Solicits the emperor her nephew's aſſiſtance, 87. Her behaviour at the trial of her marriage, *ib.* Her appeal received at Rome, 110. Refuſes Cranmer's citation to appear before him, 112. Her marriage declared null, 113. Is degraded to the rank of princeſs-dowager of Wales, but inſiſts on being ſerved as queen, *ib.* Her death and letter to Henry, 143.

——— Howard, lady. See *Howard*.

——— princeſs of Portugal, is married to King Charles II. vii. 378. Is accuſed by Oates and Bedloe, of being concerned in the popiſh plot, viii. 84.

Catholics. See *Reformation, Proteſtants, Hereſy, &c.*

Cavaliers, the appellation of, when and to whom given, vi. 464.

Cavendiſh, Sir Thomas, his ſucceſsful expedition againſt the Spaniards and voyage round the world, v. 328.

Ceaulin, ſon of Kenric, king of Weſſex, his ſucceſſes againſt the Britons, i. 53. Cruſhed by a confederacy, under Ethelbert, king of Kent, *ib.*

Cecil, Sir William, is committed to the Tower, along with the protector Somerſet, iv. 338. When ſecretary of ſtate, ſigns the patent for the ſucceſſion of the lady Jane Gray, 364. Is made ſecretary of ſtate on the acceſſion of queen Elizabeth, v. 5. Encourages her to re-eſtabliſh

the proteſtant religion, *ib.* Remonſtrates to Elizabeth the expediency of aſſiſting the proteſtant malcontents in Scotland, 33. Signs the treaty of Edinburgh, with Dr. Wotton, on the part of Elizabeth, 36. Informs the houſe of commons of the queen's promiſe to marry, and of her reaſons againſt naming a ſucceſſor, 101. His advice to Elizabeth, on Mary taking refuge in England, 129. Is appointed one of the commiſſioners to enquire into the conduct of Mary, 139. Interpoſes with queen Elizabeth in favour of the reformation, 153, *note.* 155. His great influence over Elizabeth, 158. Is ſent with propoſals to Mary, who concludes a treaty with Elizabeth, 169. Writes a letter to Lenox, the regent, on this buſineſs, calculated to fruſtrate it, 170. Is created lord Burleigh, 198. See *Burleigh.*

Cecil, Sir Robert, is made ſecretary of ſtate, v. 384. Is made maſter of the wards, 409. Is created earl of Saliſbury, vi. 5. See *Saliſbury.*

———, Sir Edward, is ſent with a fleet againſt Cadiz, but fails, vi. 212. Is forced to return, by the plague among his men, *ib.*

Celeſtine III. pope, refuſes to abſolve Philip of France from his engagements to Richard I. of England. ii. 15. Renews the legantine authority to Longchamp, biſhop of Ely, 17. Is wrote to by Eleanor, queen dowager of England, on the captivity of Richard in Germany, 23. Threatens the emperor with excommunication on this account, 27.

Celibacy, the political motives of enforcing it on the Romiſh clergy, i. 110. Synods called to eſtabliſh it, 271. 334. See *Reformation.*

Cenulph, king of Mercia, his unfortunate reign, i. 56.

Ceodwalla, king of Weſſex, his hiſtory, i. 54.

Ceorles, among the Anglo-Saxons, import of that denomination, i. 210.

Cerdic, the Saxon, arrives in Britain with his ſon Kenric, i. 23. Defeats the Britons, 24. Eſtabliſhes the kingdom of Weſſex, 25. See *Weſſex.*

Cerimbra, in Portugal, a rich carrack taken there, by an Engliſh fleet, v. 444.

Chair, ſedan, the firſt ſeen in England, uſed by the duke of Buckingham, vi. 168. Gave great indignation at firſt to the people, 169.

Chalons, rencontre there, between Edward I. and the French knights, incenſed at his ſucceſſes in a tournament there, ii. 234.

Chamberlain, Thomas, is executed for robbing the fair at Boſton in Lincolnſhire, ii. 244.

Champernon, Henry, raiſes, with queen Elizabeth's leave, a body of volunteers to aſſiſt the French proteſtants, v. 188.

Chancelier of England, the nature of his office in the time of Henry II. i. 384. A liſt of thoſe during the reign of James I. vi. 156. During the reign of Charles I. vii. 152.

Chapter lands, ſeized by Henry VIII. from the ſees of Canterbury, York, and London, iv 222.

Charlemagne, emperor, enters into an alliance with Offa, king of Mercia, i. 50. His bigoted cruelty to the pagans in Germany, 66. Conſequences of his conduct, 67.

Charles, prince, ſecond ſon of James I. becomes prince of Wales, by the death of his elder brother Henry, vi. 62. A marriage with the ſecond

ſecond daughter of Spain propoſed for him, 100. Is perſuaded by Buckingham to go to Madrid to viſit the Infanta, 129. The difficulty with which he obtained permiſſion of James, 131. His reception in Spain, 133. Returns home, 135. Obtains a high character in Spain, 136. Is perſuaded by Buckingham to oppoſe the marriage, 137. Vouches the truth of Buckingham's miſrepreſentation of the affair to parliament, 141. A marriage with the princeſs Henrietta of France propoſed, 149. Death of his father, 153. *See the next article.*

Charles I. ſummons a parliament on his acceſſion, vi. 199. Prorogues it on account of his marriage with the princeſs Henrietta, *ib.* Inquiry into the cauſe of the ſmall ſupply voted to him by the commons, 201. Character of the duke of Buckingham, and his great influence over him, *ib.* A plan concerted by the commons for the aſſertion of civil liberty, 204. Entertains high ideas of monarchical power, 205. Adjourns the parliament to Oxford on account of the plague, 206. Repreſents his neceſſities to parliament, *ib.* Is refuſed on account of the aſſiſtance ſent againſt the Rochellers, 207. His moderation towards the catholics aggravates the popular diſquiets, 210. Diſſolves the parliament on the plague appearing at Oxford, 211. Iſſues privy ſeals for borrowing money, 212. Ineffectual attempt on Cadiz, *ib.* Calls a ſecond parliament, *ib.* Threatens the commoners, 218. Impriſons two commoners who managed Buckingham's impeachment, 219. Is forced to releaſe them, *ib.* His reflections on the proceedings of the commons, 221. Diſſolves the parliament, 222. Publiſhes a declaration in defence of himſelf, *ib.* Raiſes money by diſpenſing with the penal laws againſt catholics, 224. Solicits loans from the nobility, and from the city, *ib.* Is refuſed by the city, *ib.* Levies ſhip-money for the firſt time, 225. Reſolves to levy a general loan, *ib.* Impriſons thoſe who refuſe compliance, 227. Other oppreſſions exerciſed on refuſal, 230. Engages in a war with France, 232. Sends a fleet to the aſſiſtance of the Hugonots in Rochelle, 236. Calls a third parliament, 239. His threatening addreſs to it, 240. Five ſubſidies voted by the commons, 245. Sends a meſſage to the houſe, 251. His farther expoſtulations with the commons, *ib.* And with the lords, 252. His evaſive manner of paſſing the petition of right, 253. Gives his full aſſent to it, 256. Prorogues the parliament, 259. His behaviour on information of Buckingham's aſſaſſination, 262. Diſcovers an intention to elude the petition of right, 265. Levies tonnage and poundage, after the expiration of the grant of thoſe duties, 267. Pleads his neceſſity for this meaſure, 268. The commons inſiſt on his diſcontinuing this prerogative, *ib.* His embarraſſment at this demand, *ib.* His religious ſentiments, 273. His quarrel with the commons augmented on the ſubject of tonnage and poundage, 275. Diſſolves the parliament, 276. Impriſons ſome of the members, *ib.* Makes peace with France and Spain, 279. Aſſiſts Guſtavus, king of Sweden, in his invaſion of Germany, 281. His domeſtic character, 282. Promotes the popular leaders, 284. Characters of Strafford and Laud, 285. Orders by proclamation no one to propoſe the calling of another parliament, 293. Levies money irregularly by his regal authority, *ib.* Encourages the magnificent repair of St. Paul's cathedral,

cathedral, 295. Revives monopolies, 296. Enlarges the powers of the council of York, and court of ſtar-chamber, 297. Renews his father's edict for recreations on Sunday, 299. Takes a journey to Scotland, *ib.* Levies ſhip-money over the whole kingdom, 301. Arbitrary ſentences of the ſtar-chamber, 303—305. Equips a fleet to attack the Dutch herring-fiſhery, and obtains a ſum for licence to fiſh, 306. Stops the emigration of puritans to America, 308. Trial of John Hambden for refuſing to pay ſhip-money, 313. Reaſon of his attachment to church-authority, 320. Declares a general reſumption of crown-lands in Scotland, 321. Introduces the canons and liturgy there, 325. Tumults at Edinburgh on this account, 327. Enforces the liturgy by proclamation, 329. Revolt of the Scots, and the covenant framed and univerſally ſubſcribed, 330. Sends the marquis of Hamilton to treat with the covenanters, *ib.* Frames a covenant on his part, which is rejected, 332. Epiſcopacy aboliſhed in Scotland by the general aſſembly, 334. Refuſes the propoſal of a neutrality as to the low countries, 335. Sends the marquis of Hamilton with a fleet and army againſt the Scots, 339. Joins an army under the earl of Arundel, and marches to Berwick, *ib.* Receives propoſals for a treaty from the covenanters, *ib.* His reflections on the propoſal, 340. Concludes an imprudent pacification with them, 341. How induced to this meaſure, 342. Diſbands an army, 344. Aſſembles a fourth parliament, after an interval of eleven years, 345. Lays before it an intercepted letter from the Scots malcontents to the king of France, *ib.* His pleas for ſupplies, 346. Deſires the good offices of the peers with the commons, 348. His conceſſions to the commons, 349. Diſſolves the parliament abruptly, 353. His arbitrary proceedings againſt obnoxious members, 354. Publiſhes a declaration of his reaſons for diſſolving the parliament, 355. His ſchemes for ſupplying himſelf with money, 356. Prepares another armament againſt the Scots, 357. Names commiſſioners to treat with the Scots at Rippon, 358. Summons a great council of the peers at York, 359. The treaty of Rippon adjourned to London, 360. Promiſes the earl of Stafford protection, 367. Meeting of the long parliament, *ib.* Impeachment of Stafford, *ib.* Of Laud, 369. Of Finch, 371. Votes of the commons regarding grievances, 372. His obſervation to parliament on their proceedings, 381. Endeavours to regain confidence by complying to the diſpoſition of parliament, 392. Receives limited grants for tonnage and poundage, *ib.* Paſſes the act for triennial parliaments, 393. Changes his miniſtry, 394. Counterſigns the petition of the army, 411. Interpoſes with the lords in favour of Strafford, 413. Strafford's letter to him, 414. Gives his aſſent to Stafford's attainder by commiſſion, *ib.* Paſſes the bill for not proroguing, adjourning, or diſſolving the parliament without their own conſent, 416. Paſſes the bill for aboliſhing the high commiſſion court, and ſtar-chamber, 420. Goes to viſit Scotland, 422. A committee of both houſes appointed to attend him, 423. Laws paſſed by the Scots parliament, 426. Endeavours to conciliate the affections of the Scots, 428. Is obliged by the Engliſh commons to reduce the Iriſh army, 431. Is thwarted in his intention of ſending the diſbanded men into the

Spaniſh ſervice, 432. Sir Phelim O'Neale forges a commiſſion from him for the Iriſh maſſacre, 443. Communicates his intelligence of the Iriſh inſurrection to the Scots parliament, *ib.* Informs the Engliſh parliament of it, 444. Returns to London, and is preſented with the remonſtrance and petition of the commons, 456. Anſwers the remonſtrance, *ib.* Impeaches lord Kimbolton and five commoners, 467. Orders the impeached members to be delivered up, 514. Goes himſelf to the houſe to demand them, *ib.* Orders a common council of London to be aſſembled, which he attends, 479. His treatment by the Londoners, 471. Retires to Hampton-court, 472. Remarks on his conduct towards parliament, 473. Meſſages between him and the parliament, 474. Paſſes the bills ſent to him, 477. The commons prepare to defend their meaſures by arms, 478. Evades aſſenting to the bill appointing the lieutenants of counties by the commons, 480. His reply to their ſolicitations to paſs it, 482. Removes to York, 484. Is encouraged by the principal nobility and gentry, 485. Refuſes to paſs the militia bill, and iſſues proclamations againſt the proceedings of the commons, *ib.* Anſwers their memorials by the aſſiſtance of lord Falkland, 487. Iſſues commiſſions of array, in oppoſition to the militia, 488. Is refuſed admittance to Hull, 489. The county of York levies a guard for him, *ib.* Receives military ſtores from Holland, 490. His anſwer to the propoſitions of agreement, ſent by the parliament, 492. Erects his ſtandard at Nottingham, 493. State of parties at the commencement of the civil war, 494. His revenue ſtopped by parliament, 496. Is prevailed upon to make overtures for a treaty, 499. His declarations before his army, 503. Prince Rupert defeats a party of Eſſex's army, 505. Marches from Shrewſbury to meet Eſſex, 506. Battle of Edge-hill, *ib.* Takes poſſeſſion of Oxford, 508. Marches toward London, *ib.* Receives an addreſs from the parliament for a treaty, *ib.* Defeats two regiments at Brentford, 509. Returns to Oxford, *ib.* Demands of the parliament in the negociation there, 510. Reading taken from him by the earl of Eſſex, 512. Cornwal reduced to obedience to him by Sir Ralph Hopton, 515. His generals defeat the parliament commanders, at Bradoc down and Stratton, 516. Sends prince Maurice and the marquis of Hertford into the weſt, 518. Lord Wilmot, ſent with cavalry to the weſt, defeats Sir William Waller on Roundway-down, 515. Receives a reinforcement brought over by the queen, 522. Briſtol taken by prince Rupert, *ib.* Publiſhes a manifeſto, and renews his proteſtation, 524. Joins the camp at Briſtol, *ib.* Beſieges Glouceſter, 525. Raiſes the ſiege on the approach of Eſſex, 531. Battle of Newbury, 532. Eſtabliſhes a garriſon in Reading, 533. Applies to Ireland for aſſiſtance, 536. His reply to the offer of mediation made by the Scots commiſſioners, 538. Orders Ormond to conclude a ceſſation with the Iriſh rebels, 546. Receives troops from Ormond, *ib.* A vindication of his innocence as to the Iriſh rebellion, 580. Endeavours to form a parliament at Oxford, in oppoſition to that at London, vii. 3. Circulates privy ſeals for loans, 4. Solicits a treaty, *ib.* Declares the parliament at London not to be a free one, or intitled to authority, 5. Writes to the parliament, which rejects his offers,

offers, *ib.* Prince Rupert is defeated at Marſton-moor, 12. York and Newcaſtle taken from him, 14. Appoints Ruthven, earl of Brentford, general under him, 15. Routs Sir William Waller at Cropedy-bridge, 16. Reduces Eſſex's army in the weſt, *ib.* Is defeated at Newbury, 17. Makes freſh propoſals for a treaty, 30. Sends commiſſioners to Uxbridge, 31. His offers with regard to church government, 33. His offers with regard to the militia, 35. The licentious diſpoſition and practices of his troops, 54. Relieves Cheſter, 55. Takes Leiceſter, 56. Battle of Naſeby, 57. Is defeated, 58. His cabinet of letters ſeized, and publiſhed by the parliament, *ib.* Recals prince Rupert's commiſſion on the loſs of Briſtol, 61. Is again defeated at Cheſter, *ib.* Retires to Oxford, *ib.* Lord Aſhley defeated, 65. His fortitude under his diſaſters, *ib.* Is refuſed a treaty by the parliament, 66. His commiſſion to the earl of Glamorgan with regard to Ireland, 67. Glamorgan's conduct, *ib.* Juſtifies himſelf in this affair, *ib.* Retires from Oxford, and puts himſelf into the hands of the Scots army before Newark, 73. Is put under a guard by them, *ib.* His treatment by the preachers, 74. Is obliged to order his garriſons to ſurrender, 75. Receives freſh propoſals from the parliament and the Scots, 76. Is delivered up to the Engliſh commiſſioners, 80. Is conducted to Holdenby, *ib.* Is ſeized by cornet Joyce, and conveyed to the army, 88. The indulgence of the army toward him, 97. The army enters into treaty with him, for the ſettlement of the nation, 99. His offers to Cromwel and Ireton, 100. Is brought by the army to Hampton-court, 104. His confinement increaſed, 106. Flies to the iſle of Wight, 107. Entruſts himſelf to Hammond the governor, who lodges him in Cariſbroke caſtle, *ib.* Negociates again with the parliament, 111. The parliament votes againſt all farther treaty with him, 113. Is cloſely confined, 114. The Scots commiſſioners treat with him for arming Scotland in his favour, 116. A fleet in the river declares for him, 119. Treats with commiſſioners of the parliament, ſent for that purpoſe, 122. The points debated between them, *ib.* Is again ſeized by the army, and confined in Hurſt-caſtle, 130. Is brought to London to be tried, 135. His trial opened, 136. His ſpeech againſt the authority of the court, 137. Is condemned, 139. Reflections on this event, 140. His behaviour after ſentence, 142. His execution, 144. His character, 146. His children, 152. Inquiry into the authenticity of the *Icon Baſilike*, 153. Character of this work, and its ſuppoſed influence in producing the reſtoration of his ſon, 154. His love for the fine arts, 341. His pictures and furniture ſold, 342. His death, how firſt reſolved upon, 519. Vindicated from the charge of inſincerity, 523.

Charles, prince of Wales, ſon of Charles I. is ſent by his father, general into the weſt, vii. 60. Retires over to Paris to his mother, 63. Takes command of a fleet which declares for the king, 119. Is proclaimed king by the Scots, 159. Is obliged to remove from Holland, 172. Deſires the Scots commiſſioners to attend him at Breda, 173. The terms propoſed to him there, *ib.* His treatment on landing in Scotland, 183. The declaration he is forced to publiſh, 184. Is

obliged to ſign twelve articles of repentance, 185. Goes to the Scots camp, but is ordered by the clergy to leave it, 189. Is crowned at Scone, 192. Is reproved by a committee of miniſters for his gallantries, 193. Is detected in an attempt to eſcape, *ib.* Is permitted to join the camp, 194. Marches into England, 195. Is routed by Cromwel at Worceſter, 196. Secretes himſelf at Boſcobel, 197. Travels in diſguiſe to Briſtol, 198. Takes refuge with colonel Windham, *ib.* Embarks at Shoreham in Suſſex for Normandy, 200. Encourages an inſurrection of the royaliſts againſt the protector, 243. Is forced to retire from France, 249. Forms a league with Philip of Spain, and keeps a court at Bruges, 278. His reception by the French and Spaniſh miniſters, at the treaty of the Pyrenees, 306. Sends a letter to Monk, 311. His letter delivered to parliament, 327. He is proclaimed, 328.

Charles II. is reſtored by parliament, vii. 32. The reſpect ſhewn to him by foreign powers on this event, 329. Lands at Dover, 330. His character and perſonal qualifications, 349. Forms his miniſtry, 350. Settlement of the ſtate, 352. The late king's judges ordered to ſurrender, on excluſion from pardon, 353. Paſſes an act of indemnity, *ib.* His revenue ſettled, 354. Reſtores epiſcopacy and the liturgy, 362. His reaſons for reſtoring epiſcopacy in Scotland, 366. Reſtores the biſhops to their ſeats in parliament, 372. All military authority ſurrendered to him, 373. The regulation of corporations granted to him, 374. His motives for marrying Catherine of Portugal, 378. Sells Dunkirk to the French, 385. Iſſues the declaration of indulgence, 387. Is attached to the catholic religion, 388. Becomes diſguſted with Clarendon, 392. Is ruled by his miſtreſs the ducheſs of Cleveland, *ib.* His character and conduct, 393. Demands, and obtains, a repeal of the triennial act, 395. Sends Sir Robert Holmes to attack the Dutch ſettlements, 399. Obtains a ſum from the city of London for the Dutch war, 400. Declares war againſt the United Provinces, 402. Endeavours to engage France to unite againſt the Dutch, 404. Denmark declares againſt him, 406. Paſſes the five-mile act, 407. Makes advances toward a peace with the States, 417. Treaty of Breda, 422. Baniſhment of Clarendon, 427. Concludes the triple alliance, 435. Treaty of Aix-la-Chapelle, 437. Is forced to paſs the bill againſt the importation of Iriſh cattle, 448. As alſo the act againſt conventicles, 456. Character of his *cabal* miniſtry, 458. The counſels inſtilled into him by, 461. Is prevailed on to deſert his triple alliance, and to league with France, by his ſiſter the ducheſs of Orleans, 464. Is influenced alſo by his French miſtreſs, the ducheſs of Portſmouth, *ib.* Pardons Blood for his attempt on the regalia, and promotes him, 472. Beſtows a peerage and the treaſurer's ſtaff on Sir Thomas Clifford, for his expedient of ſhutting up the exchequer, 475. A ſecond declaration of indulgence, 476. Suſpenſion of the navigation act, 477. Martial law revived, *ib.* Declares war againſt the Dutch, 478. His reflections on the ſucceſſes of Lewis in the Low Countries, 492. His demands from the States, 494. His ſpeech to parliament, 500. His declaration of indulgence oppoſed by the commons, 503. Recals the declaration, 504. Prorogues the parliament, 512. Aſks advice of parliament

reſpecting making peace with the Dutch, 513. Peace concluded, *ib.* Proof of his entering into a ſcheme for reſtoring popery, viii. 4, *note.* Duplicity of his conduct on this occaſion, *ib.* Sir William Temple's free remonſtrance to him, 7. Is unable to obtain a ſupply for taking off anticipations of his revenue, 15. Suppreſſes coffee-houſes by proclamation, 16. Recalls the proclamation, *ib.* His embarraſſed ſituation at the time of the congreſs of Nimeguen, 24. His ſpeech to parliament, 25. Is exhorted by parliament to guard againſt the growing power of France, 27. Requeſts ſupplies, and pledges his honour for the proper application of them, 28. Is addreſſed by the parliament to form an alliance with the States againſt France, 31. Adjourns the parliament, *ib.* Secretly ſigns a treaty with France, and obtains a penſion from that court on promiſe of his neutrality, 32. Receives the prince of Orange at Newmarket, 33. Concludes a marriage between him and the princeſs Mary, 35. Concerts the terms of peace with the prince, *ib.* Sends the terms to Paris, 36. His inſtructions to Sir William Temple, with Temple's reply, 37. Concludes an alliance with the States, to oblige France to peace, 38. The parliament ſtill diſtruſtful of him, 39. Receives a paſſionate addreſs from the commons, 40. Concludes a treaty with the States to oblige Lewis to an immediate evacuation of the towns in Flanders, 42. His conduct in regard to the treaty of Nimeguen, 47. His obſervation on the complaints made of Lauderdale's adminiſtration in Scotland, 60. Is warned of a popiſh plot, 63. Publiſhes proclamations for the diſcovery of the murderers of Sir Edmonbury Godfrey, 77. His ſpeech to parliament, *ib.* Ridicules the popiſh plot privately, 83. Protects his queen from the accuſation of Oates and Bedloe, 85. Refuſes to paſs the militia bill, *ib.* His private contract with Lonis, for the peace of Nimeguen, diſcovered by Danby's letters, in the houſe of commons, 86. Diſſolves the parliament to ſcreen Danby, 88. Is obliged to ſummon a parliament again for money. 93. Deſires his brother to retire beyond ſea, 95. Declares the illegitimacy of the duke of Monmouth, 96. Aſſerts the prerogative of rejecting the ſpeaker choſen by the commons, 97. The pretenſion compromiſed, *ib.* Aſſerts his intention of protecting Danby againſt the reſentment of the commons, 98. Chuſes a new council by the advice of Sir William Temple, 101. A liſt of the new council, 102. Propoſes to parliament limitations on a popiſh ſucceſſor to the crown, 103. Habeas corpus act paſſed, 107. The parliament takes advantage of his neceſſities, *ib.* Prorogues, and after diſſolves the parliament, 110. The popularity of his behaviour, 121. Is prevailed on by the duke of York to deprive Monmouth of his command, and ſend him abroad, 122. Is ſtrongly petitioned for a parliament, 125. His ſpeech to the new parliament, 129. Evades paſſing a repeal of the thirty-fifth of Elizabeth, 148. Diſſolves the parliament, and ſummons another to meet at Oxford, 149. His ſpeech to the new parliament, 150. Diſſolves it, 154. Perſecutes the diſſenters, 175. Iſſues a writ of *quo warranto* againſt the city of London, 178. Conditions on which he reſtored the charter, 181. Makes profit by the ſurrender of corporation charters, *ib.* How he eſcaped the Ry-houſe plot, 186. His motives for not ſparing lord Ruſſel, 193. Marries the lady Anne to prince George of Denmark, 204. Particulars of a private

agreement between him and Lewis XIV. 207, *note*. Is conjectured to have intended an alteration of his political meaſures, 208. Dies, 209. His private character, 210. His political character, 211. Compared with the emperor Tiberius, 213. The royal ſociety inſtituted by him, 332. Why unable to encourage literary merit, 333.

Charles the ſimple, king of France, reſigns Neuſtria to Rollo the Dane, and gives him his daughter, i. 138.

——— the fair, king of France, the grounds of his diſpute with Edward II. of England, ii. 350. Secretly countenances the conſpiracy of his ſiſter queen Iſabella, againſt Edward, 352.

———, dauphin of France, is ſeduced by Charles, king of Navarre, ii. 450. Repents and betrays Charles into the hands of his father John, 451. His government renounced on his father's captivity, and all affairs thrown into confuſion, 462. Rejects the diſhonourable treaty concluded by his father at London, 465. His prudent diſpoſition on Edward's invaſion, *ib.* Succeeds to the crown on his father's death, 472. The firſt acts of his reign, *ib.* Acknowledges the young count de Mountfort, duke of Britanny, 473. Is engaged by the count de Tranſtamare to invade Peter, king of Caſtile, 475. Summons prince Edward to Paris, 480. Invades the Engliſh provinces in France, 481.

——— VI. of France, his ſituation compared with that of Richard II. of England, iii. 92. Diſorders the kingdom became ſubject to, from the devolving of the regal power on the duke of Orleans and Burgundy on his inſanity, 93. See *France*, *Burgundy*, and *Orleans*. Dies, 118.

——— VII. of France, his character, and ſituation at the death of his father, iii. 125. His diſtreſſed ſituation after the battle of Verneuil, 132. How recovered from his deſpair on the ſiege of Orleans, 141. Determines, on the ſucceſs of Joan D'Arc, to take the field, 151. Marches into Rheims, and is crowned there, *ib.* His volunteer army diſbands, 153. Makes peace with the Duke of Burgundy at Arras, 161. His advantages in the war with the Engliſh, 165. Concludes a truce with the Engliſh, 169. His prudent employment of this interval, 175. Renews the war, 176. Takes Rouen, and recovers the province of Normandy, 177. Recovers Guienne, *ib.* Dies, 223.

——— VIII. king of France, encourages the Flemings in their oppoſition to his father-in-law Maximilian, king of the Romans, iii. 334. Invades Britanny by invitation of the barons, 336. Marries the ducheſs of Britanny, 349. Returns the daughter of Maximilian, to whom he had been contracted, *ib.* Makes peace with Spain, and his ceſſions to that court, 354. Receives Perkin Warbec, and patronizes him, 358. Invades Italy, 368.

——— IX. of France, his mother Catherine de Medicis appointed regent during his minority, v. 42. See *Medicis*. League of Bayonne for the extirpation of the Hugonots, 93. Is forced to an accommodation with the prince of Conde, 186. Concludes a ſecond accommodation with the proteſtants, 188. His diſſimulation toward the proteſtant leaders, 204. Marries his ſiſter to the prince of Navarre, 205. Orders the poiſoning of the queen of Navarre, *ib.* Maſſacre of Paris, *ib.* The maſſacre of the Hugonots extended to the provinces, 206. Extorts a recantation of the proteſtant religion from the young king of Navarre, and prince of

of Conde, *ib.* Calumniates the proteſtants at foreign courts, to palliate theſe barbarities, *ib.* His death and character, 210.

Charles, grandſon of Ferdinand of Arragon, ſucceeds him in the kingdom of Spain, iv. 12. Is choſen emperor of Germany, 18.

——— V. emperor of Germany, his character compared with that of his competitor Francis I. of France, iv. 19. His extenſive dominions, *ib.* Motives of his viſit to Henry VIII. 21. Pays his court to cardinal Wolſey, *ib.* A ſecond interview between him and Henry, at Gravelines, 24. His grants to Wolſey, 25. Makes war againſt France, *ib.* His exorbitant demands from Francis, 26. Concludes an alliance with the pope and Henry, againſt Francis, *ib.* Comes over again to England, 40. Renews his court to Wolſey, *ib.* Is inſtalled knight of the garter, *ib.* The duke of Bourbon revolts againſt Francis, and enters his ſervice, 50. Invades France, and takes Fontarabia, 52. A new treaty between him and Henry for the invaſion of France, 54. Invades Provence, 55. Battle of Pavia, and captivity of Francis, 57. His hypocriſy on this occaſion, 58. His exorbitant demands for the ranſom of Francis, 64. Carries Francis to Madrid, 65. Viſits him, *ib.* Reſtores Francis by the treaty of Madrid, 66. His hypocriſy on the news of the taking of Rome by the imperial troops, 70. War declared againſt him by France and England, 73. Challenges Francis to ſingle combat, *ib.* Intimidates the pope, 82. Peace of Cambray with Francis, 98. Sultan Solyman conquers Hungary, and beſieges Vienna, 99. Makes advances toward an accommodation with Henry, 113. His unſucceſsful invaſion of France, 145. Concludes a truce with Francis for ten years, 176. Aſks of Francis permiſſion to paſs through France to the Netherlands, 203. Is honourably received and conducted through, 204. His ungrateful inſincerity towards Francis. 211. Irritates Henry againſt Francis, and concludes an alliance with him, *ib.* 236. His remark on Henry's ſuppreſſion of the monaſteries, 237. Reduces the duchy of Cleves, 239. Beſieges Landrecy, *ib.* Is forced to abandon the ſiege, 240. Invades France in concert with Henry, 245. Takes St. Diſier, 247. Concludes a ſeparate peace with Francis, *ib.* His conduct relating to the council of Trent, 294. His artful and treacherous behaviour toward the princes of the proteſtant league, *ib.* His reaſons for declining an alliance with the protector Somerſet on the part of Edward VI. 334. Is reduced to grant an equitable peace to the proteſtants, by Maurice, elector of Saxony, 382. Makes an unſucceſsful attempt on Metz, *ib.* Propoſes his ſon Philip as a huſband to queen Mary of England, 383. His reaſons for ſtopping cardinal Pole on his journey to England, 384. Sends over a large ſum to bribe the Engliſh parliament, 394. Inſtructs cardinal Pole to exhort Mary to moderation toward her proteſtant ſubjects, 411. Reſigns all his hereditary dominions to his ſon Philip, 425. Retires to a monaſtery in Eſtremadura, *ib.* His employment in his retreat, 426. His character, compared with that of pope Paul IV. 427.

———, king of Navarre, ſome account of, and his character, ii. 449. Procures Charles de la Cerda, conſtable of France, to be aſſaſſinated, and his behaviour on that occaſion, 450. John, king of France,

purchaſes a peace with him, *ib.* Seduces the dauphin, Charles, who betrays him into the hands of his father, 451. Is thrown into priſon, *ib.* Eſcapes, 464.

Charles X. of Sweden, his ſucceſs in the north, vii. 246. Beſieges Copenhagen, but is forced to deſiſt, by an Engliſh and Dutch fleet, 304.

——— de Blois, marries the niece of John III. duke of Britanny, and is acknowledged ſucceſſor to that duchy, ii. 416. Beſieges the counteſs de Mountfort in Hennebonne, 418. Is forced to raiſe the ſiege by the arrival of ſuccours from England, 420. Is taken priſoner by the counteſs de Mountfort, 438. Is ſlain in Britanny, 473.

Charmouth, battle there between the Engliſh and Danes, i. 68.

Charter of liberties granted to the Engliſh by Henry I. i. 314. Review of this charter, 317. Renewed by Stephen, and confirmed by Henry II. ii. 78. The great charter, called *Magna Charta*, granted by John, 84. The principal heads of this charter, 85. Remarks upon it, 87. 141. Securities for the fulfilment of it, 89. A new one granted by Henry III. 146. The differences between this charter, and the *Magna Charta* of John, *ib.* A confirmation of it by Henry, 147. A charter of foreſts granted by him, *ib.* The great charter renewed and confirmed by a parliament at Oxford, 155. A ſolemn confirmation of the great charter by Henry, 179. The two charters confirmed by parliament at home, and by Edward I. in Flanders, 292. Are confirmed by him in the fulleſt manner on his return, with farther ſecurities, *ib.* A free and full confirmation of them by Edward I. 294 Above twenty parliamentary confirmations of the great charter, granted by Edward III. 488.

Chartres, the city of, beſieged by the prince of Conde, v. 186.

Chateau Gaillard on the frontier of Normandy, deſcribed, ii. 51. Is beſieged and taken by Philip of France, 52.

Chatelrault, the earl of Arran, created duke of, iv. 312. Reſigns his authority as regent of Scotland to the queen dowager, 439. Interpoſes and effects an accommodation between the queen regent and the *Congregation of the Lord*, v. 31. Joins the *Congregation*, *ib.* Is diſcontented at the marriage of Mary with the lord Darnly, 89. Enters into a conſpiracy againſt Mary at Stirling, 90. Is forced to take refuge in England, 91. Is pardoned on condition of retiring to France, 92. Arrives in London during the conference at York, but is detained by Elizabeth till Murray's return, 145. Lays down his arms on the detection of Norfolk's conſpiracy, 203.

Chauntry, what, iv. 252, *note*.

Cherington, battle there, between Waller and Hopton, vii. 8.

Cheſter, when firſt erected into a biſhopric, iv. 183.

Child, Sir Joſiah, his account of the great increaſe of wealth after the reſtoration, viii. 329.

Chivalry, the paſſion for, when firſt introduced among the Engliſh, ii. 140. The romantic principles of, deduced, *ib.* How improved during the times of the cruſades, 141.

Chriſt church, Oxford, hiſtory of its firſt foundation, iv. 279.

Chriſtianity, its firſt introduction among the Anglo Saxons, i. 30.

Church, the power of the, in the times of the Anglo-Norman kings, ii. 139. The authority of, detached from the ſtate, by the ill-judged policy of William the Conqueror, *ib.* Eſtimate of its revenues in the reign of Henry IV. iii. 81. Propoſal formed by the commons to convert them to civil purpoſes, *ib.* For its reformation from popery, ſee *Reformation*. An examination of its principles of reformation, v. 149. Reflections on the revolution of its doctrines concerning the abſolute decrees of God, vi. 166.

Churchill, captain, diſtinguiſhes himſelf in the French army againſt the Imperialiſts, viii. 18. Joins the prince of Orange, on his invaſion of England, 295.

Circuits, by itinerant juſtices, eſtabliſhed by Henry II. i. 450.

Cities in England, the ſtate of, at the time of the Norman conqueſt, i. 209. See *Corporations*.

Civil laws, a view of the ſtate of, as modelled by the Anglo-Norman kings, ii. 140.

Civil ſociety, the advantages of, in compariſon of barbarous ages, i. 222.

Claims, a court of, erected for the diviſion of lands in Ireland, vii. 446.

Clanricarde, earl of, forms a combination among the Iriſh catholics, and drives the nuncio Rinuccini out of the iſland, vii. 163. Invites Ormond back from France, *ib.* Is obliged to ſubmit to the parliament, retires, and dies, 207.

Clarence, Lionel duke of, ſecond ſon of Edward III. a brief view of his life, ii. 486.

———, Thomas duke of, ſon of Henry IV. iii. 83. Attends his brother Henry V. to France, 110. Defeated and ſlain at the battle of Baugé, 114.

———, George duke of, ſecond brother to Edward IV. leagues with the earl of Warwic, iii. 230. Marries his daughter, *ib.* Confuſed accounts of their ſubſequent operations, 234. Raiſes men in conjuction with Warwic, but deſpairing of ſucceſs diſbands them, and flies to France, 236. Secretly reconciled to his brother Edward, 239. Deſerts with his forces from Warwic, 249. Hindered from marrying the heireſs of Burgundy, by his brother Edward, 260. Proſecution and execution of two of his friends, Burdet and Stacy, 261. Confined and tried for his reflections on theſe proceedings, 262. Drowned in a butt of malmſey, 263. Reflections on the unfortunate fates of his children, *ib.*

Clarendon, ſummary of the conſtitutions of, i. 393. Subſcribed by the biſhops, 395. Abrogated by pope Alexander, 396.

———, Hyde earl of, and chancellor, his character as an hiſtorian, vii. 347. Perſuades Charles II. to diſband the republican army, 360. His character and influence with the king, *ib.* His daughter married to the duke of York, 361. Is impeached in the houſe of lords by the earl of Briſtol, 392. Cauſes of the decline of his credit with the king, *ib.* The cauſes of his fall inquired into, 423. The great ſeal taken from him, 425. Is impeached by the commons, *ib.* 530. Retires to Calais, and writes from thence to the houſe of lords, 426. Is baniſhed, and

compoſes his hiſtory of the civil war, 427. Review of his life and conduct, *ib.*

Claypole, Mrs. danghter of Oliver Cromwell, her character and death, vii. 283.

Clement V. Pope, the order of knights templars aboliſhed by him, ii. 364.

——— VII. of the family of Medicis, elected to the papacy, iv. 48. Grants to Wolſey the legantine commiſſion for life, 49. Gives Francis I. of France a diſpenſation from fulfilling the treaty of Madrid, 68. Rome ſacked by the Imperial troops, and himſelf taken priſoner, 69. Is applied to by Henry VIII. for a divorce from Catharine of Arragon, 79. Cauſes of his heſitation in that affair, 81. His character, 82. Is intimidated by the emperor, *ib.* Grants a commiſſion to Campeggio and Wolſey, to try the king's marriage, 85. Evokes the cauſe to Rome, 91. Receives queen Catharine's appeal, 110. Is inſtigated by the conclave to proceed to extremities againſt Henry, but only threatens him, 114. Is diſguſted with Charles, and leagues with Francis, *ib.* Motives which prevented an accommodation with Henry, 115. Pronounces ſentence againſt Henry precipitately, which he afterwards repents, 116. His authority renounced by the Engliſh convocation and parliament, 119. Dies, 140.

———, prince, of Bavaria, is choſen elector of Cologne, viii. 286.

———, Jacques, aſſaſſinates Henry III. of France, v. 357.

Clementines and Urbaniſts, the ſource of thoſe diſtinctions, iii. 57.

Clergy, review of the uſurpations of the, in the reign of Henry II. i. 382. Their artifices to obtain money, 390. Claim an exemption from the civil magiſtrate, *ib.* Enormities committed by, *ib.* How they evaded the celibacy enjoined them, ii. 64. Reflections on their caſe, *ib.* By what titles they obtained ſeats in the antient feudal parliaments, 114. Of uſe as mediators in diſputes between the kings and their barons, 157. Italian, an eſtimate of the value of their benefices in England, in the early part of the reign of Henry III. 170. Deprived of all protection from the laws, by Edward I. on their refuſal to grant him ſupplies, 286. The bad circumſtances to which they were reduced by this excluſion, *ib.* Are reduced to compliance, 287. A view of the ſupplies granted by, to Edward I. 323. Why aſſiduous in promoting the ſtudy and obſervance of civil law, iii. 299. Not to beg without a licence, at the time of Henry VII. 403. All obliged to take the oath of ſupremacy, by act of Elizabeth's parliament, v. 76. Their diſpoſition toward Romiſh ceremonies and church authority, under the countenance of Biſhop Laud, vi. 292. The right of taxing their revenues reſigned to parliament, vii. 401. Parochial, obtain the right of voting at elections, 402. See *Church* and *Biſhops*.

———, reformed in Scotland, their groſs behaviour to Mary, on her arrival in Scotland, v. 49. Are ruled in this, by John Knox, *ib.* The real cauſe of their ill humour, 54. See *Knox*, *Reformation*, *Aſſembly*, *Congregation of the Lord*, *Eccleſiaſtical Commiſſion*, and *Scotland*.

——— of the church of Rome, their authority and union dangerous to the civil magiſtrate, iv. 32. But the encouragement of the fine arts in ſome

ſome meaſure owing to them, 33. See *Indulgences*, *Luther*, and *Reformation*.

Clermont, a council called there by pope Martin II. to reſolve on a holy war, i. 295.

Cleves. See *Anne* of.

Cleveland, dutcheſs of, miſtreſs to Charles II. her character and influence over the king, vii. 392.

Clifford, Sir Robert, engages in the impoſture of Perkin Warbec, iii. 359. Prevailed on by Henry VII. to betray his ſecrets, and be his ſpy upon him, 361. Returns to England, and accuſes Sir William Stanley as an accomplice, 362.

———, Sir Thomas, one of the *cabal*, his character, vii. 460. Obtains a peerage and the treaſurer's ſtaff, for the hint of ſhutting up the Exchequer, 475. Is excluded by the teſt act, 512.

Clinton, lord, commands queen Mary's fleet for a deſcent on the coaſts of Britanny, iv. 443. Lands at Conquet, but is drove off, *ib.* Is appointed one of the commiſſioners to inquire into the conduct of Mary queen of Scots, v. 139.

Coaches, when firſt introduced into England, v. 483.

Coal, when firſt dug in England, ii. 230.

Coats of arms, when they firſt came into vogue, ii. 140.

Cobbet, one of the king's judges, is ſeized in Holland, brought home, and executed, vii. 380.

Cobham, Sir John Oldcaſtle, lord, his character as head of the Lollards, iii. 89. Singled out as a victim by Arundel archbiſhop of Canterbury, *ib.* Conference between him and the king, *ib.* Condemned, *ib.* Eſcapes, *ib.* Conſpires againſt the king, 90. Taken and executed, *ib.*

———, lord, condemned but pardoned for a conſpiracy againſt James I. vi. 9. His inconſiſtent accuſation of Sir Walter Raleigh, 10.

Coffee-houſes, a proclamation for the ſuppreſſion of, viii. 16. The proclamation ſuppreſſed, *ib.*

Coin, Swediſh bullion imported, and good money coined, iv. 350. Is regulated by queen Elizabeth, v. 59. Amount of, from 1599 to 1619, vi. 185. Amount of, during the reign of Charles I. and the ſucceeding commonwealth, vii. 340. Great increaſe of, after the reſtoration, viii. 329.

Coke, Sir Edward, a curious paſſage from his inſtitutes, relating to the ſuppreſſion of the monaſteries, iv. 456. Queen Elizabeth's haughty treatment of him when ſpeaker of the houſe commons, v. 363. His ſevere treatment of the earl of Eſſex, 414. Groſsly abuſes Sir Walter Raleigh on his trial, vi. 10. Is ordered by James to proſecute the murderers of Sir Thomas Overbury, 77.

Colcheſter is forced to capitulate to Fairfax and Ireton, vii. 128.

Coleman, is arreſted, and his papers ſeized, on account of the popiſh plot, viii. 70. Diſcoveries made by his letters *ib.* Is tried and executed, 90.

Coligni, admiral, makes, an unſucceſsful attempt on Boulogne, iv. 333. Defends St. Quintin againſt the Spaniſh army, 434. The town taken, *ib.*

Forms

Forms a ſcheme for the taking of Calais, which is executed by the duke of Guiſe, 435. Declares in favour of the proteſtants in France, v. 41. Commands the proteſtant forces after the battle of Dreux, 72. Obtains ſupplies from Q. Elizabeth, 73. His progreſs in Normandy, 77. Is appriſed of the league of Bayonne againſt the proteſtants, and concerts a ſcheme to fruſtrate it, 185. Battle of St. Dennis, 186. Collects the proteſtant forces after the defeat of Jarnac, and beſieges Poictiers, 187. Is defeated by the duke of Anjou at Montcontour, 188. Is deceived by the diſſimulation of Charles, 204. Is wounded by an aſſaſſin, 205. Is killed in the maſſacre of Paris, *ib.*

Colingbourne, William, executed for a diſtich againſt Richard III. iii. 290.

College, a joiner, his extraordinary trial and execution, viii. 159.

Colonies ſettled by the Engliſh in America, vi. 186. See *America*. Are peopled by the reſtraints impoſed on diſſenters, viii. 328. Their charters recalled by James II. 330.

Colonna, Proſper, the Spaniſh general, defends Milan againſt the French invaſion under the admiral Bonnivet, iv. 53.

Columbus, Chriſtopher, his firſt voyage for diſcovery of the weſtern world, iii. 404. Sent his brother Bartholomew to England to make his propoſals to Henry VII. 405. How Henry was deprived of the honour of the diſcovery of America, *ib.*

Combat, ſingle, trial by, in the Anglo-Saxon laws, how inſtituted, i. 323. ii. 140.

Commerce, a view of the ſtate of, during the Anglo-Norman kings, ii. 137. Remarks on the ſtate of, during the reign of Henry III. 224. Induſtry, and ſtate of, in the reign of Edward III. 494. State of, during the reign of Henry IV. iii. 84. Regulations of, in the reign of Henry VII. 401. Great extenſion of, in this reign, 404. The privileges of the merchants of the ſtill-yard taken away, iv. 349. A treaty of, made with Guſtavus Ericſon, *ib.* State of, during the time of queen Mary, 447. The great oppreſſion of, by the enormous grants of monopolies by queen Mary, v. 439. State of, during the reign of queen Elizabeth, 477. Eſtabliſhment of the Eaſt-India company, *ib.* Trade with Muſcovy opened. *ib.* Turkey company erected, 479. In the beginning of the reign of James I. almoſt wholly monopoliſed by excluſive companies, vi. 23. A decay of ſhipping occaſioned by this evil, 24. Amount of the cuſtoms in this reign, 51. State of, during this reign, 180. Exports and imports, 185. State of, during the reign of Charles I. and the ſucceeding commonwealth, vii. 339. Great increaſe of, after the reſtoration, viii. 328.

Commiſſion, eccleſiaſtical, or high. See *High* commiſſion court.

Committee of ſafety, formed by the officers after the expulſion of the long or rump parliament, vii. 304. Negociates with general Monk, 311.

Commodities, prices of, in the reign of Richard I. ii. 36. Remarks on the price of, in the reign of Edward III. ii. 497, *note*.

Common prayer book, compoſed by a committee of biſhops and divines, iv. 320. In what reſpects it differed from the old maſs-book, 321.

Is reviſed, 348. Is authorized by the parliament, 354. See *Liturgy*, and *Reformation*.

Commons, the firſt efforts towards ſending repreſentatives of, to parliament, ii. 184. Begin to aſſemble ſeparate from the peers, 188. Remonſtrate againſt the delays of the council of barons, *ib.* Appeal to Prince Edward, *ib.* The houſe of, regularly formed by the earl of Leiceſter, with the admiſſion of members from boroughs, 210. Farther regulations with reſpect to the repreſentatives of counties, 271. The real epoch of the houſe of, 272. The election of repreſentatives conſidered as a hardſhip both by them and their conſtituents, 275. The gradual increaſe of their influence on government, 276. Refuſe granting ſupplies for the expedition of Edward III. againſt France, 400. The conſequence they arrive to, in his reign, 487. Lawyers frequently excluded the houſe at this time, *ib.* Chuſe a ſpeaker for the firſt time, iii. 3. Petition the lords to appoint a council, &c. during the minority of Richard II. *ib.* Petition Richard II. againſt the confederacies of the barons, *ib.* 447. Impeach Michael de la Pole, earl of Suffolk, 15. Their proceedings againſt Richard's miniſtry, 20. Their compliance to the king on the cruſhing of Glouceſter's faction, 30. 449. Impeach Fitz Allan, archbiſhop of Canterbury, 31. Petition for an act to check the clergy in eluding the mortmain act, 56. Their importance greatly increaſed, 78. Inſiſt on an anſwer to their petitions, before they make any grants, *ib.* Other acts of reſolution by them, *ib.* Oppoſe Henry IV. in his attempt to exclude females from ſucceſſion to the crown, 80. Adviſe the king to ſeize the temporalities of the church, *ib.* Scheme formed by them from an eſtimate of the eccleſiaſtical revenues, 81. Apply for a mitigation of the ſtatutes againſt Lollards, *ib.* Impeachment of the duke of Suffolk, 185. A ſecond, 187. Temper of the houſe which met on the aſſertion of the duke of York's pretenſions, 196. Addreſs the king to remove certain peers from his preſence, *ib.* Their ſpirit of oppoſition to the encroachments of the church of Rome, during the reign of Henry VI. 214. Petition for the execution of the duke of Clarence, brother to Edward IV. 262. Their grants to Henry VIII. at the inſtance of cardinal Wolſey, and their ſpeaker Sir Thomas More, iv. 47. The arbitrary ſpeech of Henry to Edward Montague, a member, 451. Thomas Cromwell, a member, warmly defends his patron cardinal Wolſey, againſt the charge of the peers, 94. Paſs ſeveral bills to reſtrain the impoſitions of the clergy, 95. Extraordinary ſpeech of a member on the ſubject of religion, 96. Complain to the king of the reflections caſt on them by Fiſher, biſhop of Rocheſter, 97. Grant the king a diſcharge of his debts, *ib.* Petition for indemnity from the ſtatute of proviſors, 107. Prefer a complaint to the king againſt the oppreſſions of eccleſiaſtical courts, 108. Reject a bill framed by the king, reſpecting his right of wardſhips, &c. 109. Comply with an act relating to the poſſeſſion of lands, framed by the king, 151. The groſs flattery of the ſpeaker to the king, 163. Grant Henry ſupplies, but very reluctantly, 206. Paſs the bill for Cromwell's death unwillingly, 208. Petition the king to lay the caſe of his marriage with Anne of Cleves before the convocation, 209. Paſs a bill of attainder againſt the duke

duke of Norfolk in obedience to the king's meſſage, 264. Cruel treatment of Strode, a member, in Cornwall, for bringing in a bill concerning tin, 271. Lord Seymour attainted, 319. Alter a bill againſt treaſon, paſſed by the lords, and paſs another, 355. Reject a poor bill framed by the lords, and paſs another, 356. Refuſe to paſs the attainder of Tonſtal biſhop of Durham, or to ratify the attainder of Somerſet, 357. A new election of, under Northumberland's influence, 358. Grant ſubſidies to the king, 359. Remonſtrate againſt Mary marrying Philip of Spain, and are diſſolved for it, 385. A new election under Mary and Gardiner's influence, 399. Some members puniſhed for ſeceſſion, 403. Their reaſon for refuſing a ſubſidy to the queen, 422. Grants made by a new houſe to the queen, 441. Oppoſe the act confirming the queen's ſale, or grant of crown lands, *ib.* Copley, a member, impriſoned for ſpeaking irreverently of the queen, 442. Vote a ſubſidy and other grants to queen Elizabeth, v. 13. Addreſs her to make choice of a huſband, *ib.* Repeat this addreſs, 73. Are ſtopped by Elizabeth in their debates concerning the ſettlement of the ſucceſſion, 101. Farther debates on this ſubject, 102. Her ſpeech at diſſolving them, 103. Strickland introduces a bill for the amendment of the Liturgy, 174. Speech of Piſtor on kneeling, and making the ſign of the croſs, 175. Strickland prohibited by the queen from attending the houſe, *ib.* Yelverton's free ſpeech on the occaſion, *ib.* Farther debates on this matter, 176. Strickland reſtored to the houſe, 177. Are checked by the lords in debating of matters of religious reformation, *ib.* Speeches on the queen's prerogative, occaſioned by Bell's motion againſt an excluſive patent granted to a trading company at Briſtol, 178. Bell ſeverely reprimanded by the council for his temerity, 180. Are reproved by the lord keeper at the cloſe of the ſeſſion, for their freedom, 181. A bribe given to a mayor for an election, with the probable reaſon for it, 183, *note.* Addreſs the queen for the duke of Norfolk's execution, 200. Apply to the queen for the trial and execution of Mary queen of Scots, 201. Paſs two bills for regulating eccleſiaſtical ceremonies, but are checked by the queen, *ib.* Speech of Peter Wentworth in favour of liberty, 225. Behaviour of the houſe on this occaſion, 227. Oppoſe encroachments of the upper houſe, 228. Appoint a general faſt, at the motion of Paul Wentworth, 236. Are reprimanded by the queen for it, *ib.* Apply to the biſhops for farther reformation, 261. Complain of the court of eccleſiaſtical commiſſion, *ib.* Are prohibited by the queen from intermeddling with eccleſiaſtical affairs, 345. Are checked in their endeavours to regulate purveyance, 347. The queen's haughty reply to the requeſts of Sir Edward Coke ſpeaker, 363. Peter Wentworth reſumes the ſubject of the ſucceſſion, 364. He and ſeveral others ſent to priſon, *ib.* Treatment of Morrice for oppoſing abuſes of eccleſiaſtical power, 366. Yelverton a lawyer choſen ſpeaker, 385. Grant ſupplies to the queen, *ib.* Diſpute about forms with the lords, 386. Extraordinary aſſertions of the regal prerogative in the debates concerning monopolies, 441. The abject acknowledgments of the houſe, on the queen's promiſe to cancel the moſt oppreſſive of the patents, 442. Grant the queen an extraordinary ſupply, 443. Review of the practice

of the chancellors, in iſſuing new writs to ſupply the places of members, whom they judged incapable of attending, vi. 15. Votes of the houſe on this occaſion, 16. Inquiry into the queſtion, whether an out-law can be choſen a member, 17. Reſtore Sir Francis Goodwin to his ſeat, which had been vacated by the chancellor on account of his outlawry, 18. Refuſe a conference with the lords on this affair, 19. Are commanded by the king to conſer with the judges, *ib.* Spirited debates on this ſubject, *ib.* A committee of, inquire into the monopolies of trade, 23. Attempt to free the nation from the burden of wardſhips and feudal tenures, 24. And from purveyance, *ib.* Are unwilling to grant any ſupplies to the king, 26. Reject a bill from the lords, for entailing the crown lands on the king and his ſucceſſors, *ib.* Grant ſupplies, 40. Are averſe to the union between England and Scotland, 41. Frame a petition for rigour toward popiſh recuſants, and lenity toward ſcrupulous proteſtant clergymen, but are checked by the king, 43. Order their journals to be regularly kept, 44. Refuſe to ſupply the king's neceſſities, 47. Reflections on their conduct, 48. Their views extend to eſtabliſh the conſtitution on freer principles than formerly, 51. Attempt to check the regal prerogative in eccleſiaſtical affairs, 53. Remonſtrate againſt the high commiſſion court, 54. Are alarmed at reports of the king's influencing elections, 72. Diſpute the king's power of levying money by his prerogative, 73. Are diſſolved in anger, and ſome of the members impriſoned *ib.* Grant ſupplies to aſſiſt the Elector Palatine, 107. Make a repreſentation of grievances to the king, 108. Impeach the lord chancellor Bacon, 109. Remonſtrate to the king, in favour of the Elector Palatine, and againſt the Spaniſh match, 112. Are reproved by the king, 113. Remonſtrate again, 114. The king's ſpeech to their committee, 115. Proteſt againſt the king's denial of their privileges, 116. This proteſtation tore out of their journal by the king, *ib.* Are diſſolved and the refractory members puniſhed, *ib.* The arguments urged by both parties concerning the diſputes between the king and them, 118. Vote ſupplies for a Spaniſh war, 143, Impeach the earl of Middleſex, 144. Inquiry into the cauſe of the ſmall ſupply granted by them in the firſt parliament of Charles I. 201. Their leaders and their views, 204. Continue obſtinate in denying farther ſupplies, notwithſtanding the king's remonſtrances, 207. Are diſguſted at the aſſiſtance ſent againſt Rochelle, *ib.* Complain of the growth of popery, 210. A ſupply voted, but its paſſing into a law poſtponed, 213. Impeach the duke of Buckingham, 215. The two members who managed this impeachment impriſoned by the king, 219. Remonſtrate againſt conferring truſts on catholics, 220. Are diſſolved, but publiſh a remonſtrance previous to their diſſolution, 222. A character of this houſe in the third parliament, 239. Sir Francis Seymour's ſpeech, 241. Sir Robert Philip's ſpeech, 242. Sir Thomas Wentworth's ſpeech, 244. Five ſubſidies voted, 245. The famous petition of right taken under conſideration, 248. Farther expoſtulations by the king, 251. The petition of right paſſed by them, 253. Impeach Manwayring, for aſſerting in a ſermon the real prerogative of levying taxes independent of parliament,

255. Attack the commiſſion for levying money, 257. Preſent a remonſtrance againſt the duke of Buckingham's conduct, 258. Inſiſt on the king's diſcontinuing levying the duties of tonnage and poundage, 268. Attack Arminianiſm, 271. An alluſion made uſe of by Rouſe, a member, 274. Firſt appearance of Oliver Cromwell, *ib.* Call officers to account for levying tonnage and poundage, *ib.* Sir John Elliot reads a remonſtrance againſt theſe duties, *ib.* The ſpeaker forcibly held in the chair till a remonſtrance is framed and paſſed, 275. Are diſſolved, *ib.* Members puniſhed, 276. The complexion and reaſoning of the houſe in the fourth parliament, now ſummoned after eleven years interval, 346. The ſubſtance of Pym's ſpeech, 348. Enter into the conſideration of grievances, *ib.* Reſent the interpoſition of the lords, *ib.* Summary of the arguments urged by the court and popular parties, 349. Are abruptly diſſolved, 353. Strafford impeached by, in the long parliament, 369. Impeach archbiſhop Laud, *ib.* Impeach the lord keeper Finch, 371. Vote ſeveral proceedings of lieutenants, and deputy-tenants of countries illegal, and the parties exerciſing them delinquents, for aſſeſſing ſhip-money, 372. Sheriffs voted delinquents for aſſeſſing ſhip-money, 373. The officers who levied tonnage and poundage fined, *ib.* The ſtar-chamber and high commiſſion courts condemned, *ib.* Accuſe the judges for their determination on Hambden's trial, *ib.* Expel monopoliſts and projectors, 374. Remarks on their proceedings, 375. Reverſe the ſentences of the ſtar-chamber on Prynne and others, 377. The rapid progreſs of their regulations, 380. Agree to pay the Scots army, 381. Begin to attack epiſcopal authority, 385. Haraſs the clergy, 387. Vote a removal of all catholics from the army, 389. Make limited grants of tonnage and poundage, 392. Frame a bill for triennial parliaments, which is paſſed, 393. Paſs a bill of attainder againſt Strafford, 409. Form a proteſtation, and order it to be ſigned by the whole nation, 412. Are offended at the king's interpoſition for Strafford, 413. Diſband the Engliſh and Scots armies on the king's journey to Scotland, 423. Inſiſt on the reduction of the Iriſh army raiſed by Strafford to reduce the Scots, 431. Oppoſe their being hired by the Spaniards, 432. Their zeal for the preſbyterian diſcipline, 445. Credit the report of the Iriſh maſſacre being ordered by the king, 447. An account of the famous remonſtrance framed by them, 449. Paſs the remonſtrance, and publiſh it without ſending it up to the lords, 451. Reaſoning of the parties on both ſides with regard to it, *ib.* Preſent the remonſtrance to the king on his return, 456. Paſs the bill for preſſing ſoldiers for Ireland, 458. The interpoſition of peers in elections declared to be a breach of privilege, 459. Their proceedings againſt the biſhops, 460. Declare to the lords an intention of rejecting their authority, if oppoſed by them, 461. Excite apprehenſions in the people, 462. Impeach the biſhops, who ſign a proteſtation, 465. Five members impeached by the king, 467. The impeached members are demanded, 468. Are demanded by the king in perſon, 469. Adjourn the houſe on this occaſion, 470. Order a committee to ſit in Merchant-Taylors-Hall, 471. The accuſed members take their ſeats, 472. Meſſages between them and the king, 474. Encourage petitions from the common

common people, 475. Impeach the attorney-general, and profecute their plan of the militia, 478. Form a magazine at Hull, and appoint Sir John Hotham governor, 479. Appoint governors of Portſmouth and the Tower, *ib.* Warn the kingdom to prepare for a defence againſt papiſts and ill-affected perſons, *ib.* Appoint all the lieutenants of counties, and reſtore their powers, *ib.* Preſs the king by meſſages to paſs the bill, 481. His reply, 482. Their vote on this reply, 483. Carry the militia bill into execution, without the king's concurrence, 485. Vote all to be traitors who aſſiſt the king, 489. Raiſe an army, and appoint the earl of Eſſex general, 490. For thoſe tranſactions wherein both houſes concur, ſee *Parliament.* Carry an impeachment of the queen up to the lords, vii. 10. Paſs the ſelf-denying ordinance, 27. Chuſe Henry Pelham ſpeaker in the room of Lenthal, on his going to the army, 102. Their violent accuſation againſt the king, 114. Paſs a vote for bringing the king to a trial, 134. This vote being refuſed by the lords, they paſs an ordinance for bringing him to trial by their own authority, *ib.* Vote the houſe of lords uſeleſs, and aboliſh monarchy, 151. Re-admit ſome of the ſecluded members, 158. Name a council to carry on the adminiſtration of government, *ib.* Enlarge the laws of high treaſon, 167. Diſſolution of, by Cromwell, 219. Retroſpect of their proceedings, 220. Character of Barebone's parliament, 228. In the protector's parliament, refuſe to acknowledge the houſe of lords ſummoned by him, 277. The new houſe of, after the final diſſolution of the long parliament, meet and chuſe Sir Harbottle Grimſtone ſpeaker, 327. Receive a letter from Charles II. and appoint a committee to anſwer it, *ib.* The king proclaimed, 328. Vote preſents to the king and his brothers, *ib.* Paſs a vote againſt the indignities practiſed by the Dutch toward the Engliſh trade, 396. Impeach the earl of Clarendon, 425. Oblige the king to paſs the act againſt the importation of Iriſh cattle, 448. Addreſs the king for a proclamation againſt conventicles, 453. Obſtruct the tolerating maxims of the court, *ib.* Reſent the lords taking cognizance of Skinner's caſe, 454. As alſo with their altering a money bill, 468. Coventry act, on what occaſion paſſed, 469. Vacancies ſupplied by writs from the chancellor, annulled, 502. Grants to the king, *ib.* Frame and ſupport a remonſtrance againſt the declaration of indulgence, 503. Remonſtrance againſt the duke of York's intended marriage, and the ſtanding army, 511. Motions carried, on the expected prorogation, *ib.* Inquire into grievances at the next meeting, *ib.* Prepare to impeach Buckingham and Arlington, 513. Their diſcontented meaſures, viii. 11. Quarrel with the lords on the caſe of Fag and Shirley, 14. Refuſe the king a ſupply to free his revenue from anticipations, 15. Grant ſupplies for the navy, 26. Their reaſons for putting no confidence in the king's promiſes, 29. Are reproved and adjourned for the addreſs, recommending an alliance with the States againſt France, 31. Continue diſtruſtful of the king's intentions, 38. Make a paſſionate addreſs to the king, 40. Vote the diſbanding of the army, 43. Impeach the earl of Danby, 87. Conteſt the choice of a ſpeaker with the king, 97. The diſpute compromiſed, *ib.* Danby attainted, 98. Reſume the ſearch after the popiſh plot, 99. Paſs the bill of excluſion

cluſion againſt the duke of York, 105. A bill brought in, to exclude all members poſſeſſing lucrative offices, 106. Vote the king's guards, and ſtanding army to be illegal, *ib.* Reſume the impeachment of Danby, 108. Diſpute with the lords on the right of the biſhops' votes in Danby's caſe, *ib.* Perſecute the *abhorrers*, and protect the petitioners. 130. Revive alarms about the popiſh plot, 131. The excluſion-bill reſumed, 134 The arguments urged for and againſt the excluſion-bill, 135. Paſs the excluſion bill, 139. Preſent an addreſs to the king, concerning abuſes in government, 140. Their violent proceedings, 146. Impeach Fitz-harris, in the parliament at Oxford, 153. Grant a revenue to James II. during life, 224. Addreſs him concerning his exerciſe of a diſpenſing power, 240. In the convention parliament vote the throne to be vacant, 310. Their conference with the lords, 314. See *Lords* and *Parliament*.

Commonwealth of England, commencement of, viii. 151. State of, after the battle of Worceſter, 201. Its confuſed management of eccleſiaſtical affairs, 202. Maintains a formidable power abroad, 203. Admiral Blake diſperſes prince Rupert's fleet, 204. Sir George Ayſcue reduces the colonies, 205. Scotland reduced by Monk, 207. Attempts a coalition with the United Provinces, 209. Determines on a war with them, 210. Engagement between Blake and Tromp, 212. See *Blake*, *Ayſcue*, &c. Their advantages at ſea owing to the ſhip-money levied by Charles, 215. The long parliament diſſolved by Cromwel, 219. State of parties at this time, 226. Is terminated, by Cromwel being choſen protector, 232. Is reſtored by the reſignation of Richard Cromwel, and reaſſembling the long parliament, 298. The parliament expelled, and a committee of ſafety appointed, 303. State of foreign affairs, 304. Diſſolution of the long parliament, 320. Charles II. reſtored, 328. A review of manners, &c. at this time, 330.

Communion ſervice, a new one framed on the abolition of private maſſes, iv. 309.

Communion table, removed from the wall into the middle of the church, by the firſt Engliſh reformers, v. 152.

Companies, excluſive, almoſt all the foreign trade of England in the hands of, at the commencement of the reign of James I. vi. 23.

Compeigne beſieged by the duke of Burgundy, and Joan D'Arc taken priſoner there, iii. 154.

Comprehenſion of Epiſcopiſts and Preſbyterians, a conference held in the Savoy for effecting, vii. 369. The popular argument for and againſt this meaſure, *ib.*

Compurgators, among our Saxon anceſtors, what, i. 222.

Conan, duke of Britanny, yields Nantz to king Henry II. of England, i. 378. Betrothes his daughter to Henry's third ſon, Geoffrey, *ib.*

Condé, prince of, declares in favour of the proteſtants in France, v. 41. Is ſeized and condemned to death, by the influence of the Guiſes, 42. Saved by the death of the king, *ib.* Takes arms in favour of the proteſtants againſt the royal party, 69. Enters into a treaty with Elizabeth of England for aſſiſtance, 70. Is taken priſoner by the catholics at the battle of Dreux, 72. Obtains his liberty by treaty, and is re-inſtated in his

his offices, 78. Affiſts at the ſiege of Havre de Grace, 79. Is appriſed of the league of Bayonne againſt the proteſtants, and joins in a ſcheme to prevent it, 185. Battle of St. Dennis, 186. Forms the ſiege of Chartres, and obliges the court to an accommodation, *ib.* Is killed at the battle of Jarnac, *ib.*

Condé, the young prince of, is, with Henry, prince of Navarre, placed at the head of the proteſtants by Coligni, after the defeat of Jarnac, and death of his father, v. 186. Is obliged by Charles to renounce the proteſtant faith as the price of his life, during the maſſacre of Paris, 206. Puts himſelf at the head of the German proteſtant auxiliaries, 210. Is defeated by the duke of Guiſe, 355.

———, prince of, his obſtinate battle with the prince of Orange at Seneffe, viii. 9. Louis XIV. ſerves under him as a volunteer, 17. Succeeds Turenne in Alſace, *ib.* Forces the Imperialiſts to repaſs the Rhine, 18.

Congregation of the Lord, an aſſociation of reformers in Scotland ſo ſtyled, account of the bond they entered into, v. 22. Preſent a petition to the queen regent againſt the ſcandalous lives of the clergy, 25. Petition the parliament and convocation, *ib.* Raiſe men to oppoſe the regent, 27. Their addreſs to her, and remonſtrance to ſuch of their party as joined her, *ib.* Their addreſs to the eſtabliſhed church, 28. The regent enters into an accommodation with them, 29. Charge the regent with infringing the capitulation, *ib.* Sign a new covenant, 30. Give themſelves up to the guidance of John Knox, *ib.* Take Perth and Edinburgh, *ib.* Come to an agreement with the regent, 31. Are joined by the duke of Chatelrault, *ib.* Deprive the queen-dowager of the regency, and order all French troops to depart the kingdom, 32. Requeſt aſſiſtance from queen Elizabeth, 33. Conclude a treaty with Elizabeth, and receive a fleet and forces from her, 35. Treaty of Edinburgh, 36. Call a parliament, ſuppreſs the catholic religion, and eſtabliſh the preſbyterian diſcipline, 38. Send to the queen for a ratification, which ſhe refuſes, 39. Carry their plan into execution, and again requeſt the aſſiſtance of England, *ib.*

Connaught. See *Ireland*.

Conquerors, in the feudal times, an eſtimate of their merits, ii. 486.

Conrade, marquis of Montferrat, conducts the German army to Paleſtine, on the death of his father the emperor Frederic, ii. 7. Claims the kingdom of Jeruſalem, in oppoſition to Guy de Luſignan, 14. Is aſſaſſinated by order of the Old Man of the Mountain. See *Aſſaſſins*.

Conſervators of the public liberties. See *Barons*.

——— of the peace, appointed in Scotland, vi. 539.

Conſtable of England, reflections on the arbitrary office, and court of, iii. 451. The office of, forfeited by the duke of Buckingham, and never revived, iv. 28.

Conſtance, council of, depoſes pope John XXIII. and elects Martin V. iii. 118. Burns John Huſs and Jerome of Prague, 119.

Conſtantia, aunt to William II. king of Naples and Sicily, is left by him ſucceſſor to his dominions, ii. 9. Is married to the emperor Henry VI. *ib.* Is diſpoſſeſſed by her natural brother Tancred, *ib.*

———, mother of Arthur duke of Britanny, is hated by Eleanor, queen-dowager

dowager of England, ii. 40. How induced to ſurrender her ſon to his uncle John, king of England, 42. Appeals to Philip on the murder of Arthur by John, 48.

Conſtantine, king of Scotland, defeated by Athelſtan king of England, i. 104. Confederates with the Daniſh pirates and Welſh princes, but is worſted by Athelſtan, 105.

Conſtantinople, taken by the Turks, and the conſequences of that event, ii. 406.

Conſtitution of England, a hiſtorical view of, to the time of Henry VII. iii. 304. The different periods of, pointed out, v. 452, *note*. Indications of a ſpirit in the houſe of commons to alter it on principles of freedom, vi. 51. Never thoroughly underſtood until fixed on principles of liberty by parliament, 52. The arguments urged on both ſides on the diſputes between James I. and the parliament, 117.

Conventicles, act of parliament againſt, paſſed, vii. 456. A ſevere law againſt, in Scotland, viii. 52. Are rigorouſly diſperſed and ſuppreſſed, 114. Are ſtrictly ſuppreſſed in England, 175. Are allowed by the declaration of indulgence, 256.

Convention of States, called in Scotland, without the king's authority, vi. 539. Enforce the Solemn League and Covenant, 542.

——— parliament. See *Parliament*.

Convocation, the firſt aſſembling of deputies of the inferior clergy, by Edward I. ii. 278. Scruple to aſſemble on the king's writ, 279. The objection how accommodated, and the reaſon why the clergy formed two houſes of, *ib*. Refuſes the demands of Edward toward a French war, 285. The conſequences of this refuſal, 286. Summoned by Henry VIII. and intimidated by cardinal Wolſey, into the grant of a moiety of eccleſiaſtical revenues, iv. 46. Henry's marriage with Catherine of Arragon declared to be invalid by, 103. Compounds with the king for a proſecution carried on againſt the clergy, on the ſtatute of proviſors, 106. Acknowledges the king's ſupremacy, with a reſervation, *ib*. The papal authority renounced by, 119. Debates on the expediency of a tranſlation of the ſcriptures, 151. The biſhops for and againſt reformation enumerated, 165. Articles of faith framed by, 166. The influence of proteſtant principles in their articles eſtimated, 167. Grants ſupplies to Henry, 206. Annuls Henry's marriage with Anne of Cleves, 210. Grants ſupplies for a French war, 237. Votes Henry a ſubſidy of ſix ſhillings in the pound, 252. Meets, when the firſt parliament of Edward VI. was ſummoned by the duke of Somerſet, 308. Meets in queen Mary's reign, and diſputes on tranſubſtantiation, 385. The debate adjourned to Oxford, *ib*. Votes a ſubſidy to queen Elizabeth, v. 77. Its proceedings in the ſitting after the diſſolution of the fourth parliament of Charles I. vi. 390.

Conway, lord, is appointed general of the horſe, in the army ſent againſt the Scots, vi. 357. Is routed at Newburn, *ib*.

Copenhagen is beſieged by Charles X. of Sweden, but relieved by an Engliſh and Dutch fleet, vii. 304.

Copley, a member of the houſe of commons, impriſoned for ſpeaking irreverently of queen Mary, iv. 442.

Copper coin, when firſt introduced, vi. 186.

Corn, remarks on the ſtatute prices of, during the reign of Henry III. ii. 225. The exportation of, allowed in the reign of Henry VI. iii. 215. Other regulations of the trade in, *ib.* Prices of, during the reign of James I. vi. 175. Public magazines of, eſtabliſhed, *ib.*

Corniſh, ſheriff of London, is convicted on falſe evidence, and executed, viii. 236.

Cornwal, an inſurrection there againſt Henry VII. on account of levying a ſubſidy, iii. 373. Headed by the lord Audley, 374. The rebels defeated at Blackheath, 375.

Cornwal, Richard earl of, ſon of king John, his diſputes with his brother Henry III. and Waleran de Ties, concerning the reſtitution of a manor in his earldom, ii. 157. Refuſes the kingdom of Sicily, offered to him by pope Innocent IV. 171. Is elected king of the Romans, 174. Spends all his treaſures in Germany, 175. Is obliged to ſwear obedience to the proviſions of Oxford, before the barons allow him to return to England, 187. His ſon Henry joins the confederacy of barons againſt the king, 196. Is taken priſoner by the barons at the battle of Lewes, 205. Recovers his liberty by the battle of Eveſham, 216. His ſon Henry d'Almaine aſſaſſinated by their couſins, 218. Dies, 221.

Corporations, when firſt erected in France, and with what view, ii. 118. Are a great check upon induſtry, iii. 404. The regulation of, granted to the king by parliament, vii. 374. Moſt of them ſurrender their charters to Charles II. viii. 181. Conditions on which they were reſtored, *ib.*

Corren, Dr. preaches before Henry VIII. and juſtifies his conduct againſt the reproaches of friar Peyto, iv. 134.

Coſpatrick, why made earl of Northumberland by king William the conqueror, i. 205, *note*. 251. Created earl of Dunbar, by Malcolm king of Scotland, 264.

Cottereaux. See *Brabançons*.

Cottinton, Sir Francis, oppoſes prince Charles's journey to Spain, vi. 132. Is abuſed for it by Buckingham, *ib.*

Covenant, one framed and ſubſcribed in Scotland, againſt receiving the canons and liturgy, vi. 330. Is enforced by the general aſſembly under pain of excommunication, 335. See *League*.

Coventry, Sir John, is aſſaulted and maimed, for a ſatirical reflection on Charles II. vii. 468. Which occaſions the famous act againſt maiming, known under his name, 469.

Coverdale, biſhop of Exeter, is impriſoned on the acceſſion of queen Mary, iv. 376.

Council of the North, aboliſhed by the long parliament, vi. 422.

——— *of officers*, ſummoned by Oliver Cromwel, reſolves on bringing Charles I. to trial, vii. 110. Demands a diſſolution of the parliament, and ſeizes the king, 129. The parliament purged by, 131. Plans a republican form of government, 133 Turns the members out of the houſe by violence, 219. Chuſes Oliver Cromwel protector, 232. One is ſummoned by Richard Cromwel, 295. Depoſes the protector, 297. Reſtores the long parliament, 298.

——— *of States*, nominated by parliament to carry on the adminiſtration of

government after the execution of the king, vii. 168. Appoints Cromwel lord lieutenant of Ireland, 158. One appointed on the diſſolution of the long parliament, 321.

Council of Wales, aboliſhed by the long parliament, vi. 422.

——— eccleſiaſtical. See *Synods*.

Counties, the firſt diviſion of England into, i. 92. The firſt attempts at appointing members for, to parliament, ii. 184. See *Commons*. Palatine, the juriſdiction of, annexed to the crown, v. 489.

County courts, firſt appointment of, i. 94. Are peculiar to England, and the nature of them explained, ii. 122, *note*.

Coverfeu bell, the obſervance of, in England, no mark of ſlavery, i. 477, *note*.

Court and country, when thoſe parties firſt began in parliament, vi. 106. 560.

Court baron, the ancient form and nature of, ii. 117. 122.

Courts, civil and eccleſiaſtical, law enacted for their re-union, on the acceſſion of Henry I. i. 347. Remained without effect, from the oppoſition of archbiſhop Anſelm, *ib*.

Court of high-commiſſion. See *High-commiſſion*.

Courtney, ſon of the marquis of Exeter, is releaſed from the Tower, and made earl of Devonſhire, by queen Mary, iv. 374. See *Devonſhire*.

Contras, battle of, between Henry III. of France, and Henry king of Navarre, v. 355.

Cowley, his character as a poet, vii. 345. His death, 346.

Cozens, dean of Peterborough, his ſuperſtitious zeal for eccleſiaſtical ceremonies, and haughty aſſertion of church authority, vi. 386.

Craig, a proteſtant miniſter of Edinburgh, is ordered to publiſh the banns between queen Mary and Bothwel, which he refuſes, v. 113. Remonſtrates againſt this marriage before the council, and from the pulpit, *ib*.

———, Alliſon, a Scots courtezan, a riot at her houſe, taken cognizance of by the church, v. 52.

Cranmer, Dr. his firſt introduction to Henry VIII. iv. 100. Is engaged by Henry to write in favour of his divorce, 101. Is made archbiſhop of Canterbury, 112. The number of bulls neceſſary for his inſtallation, remarked, from biſhop Burnet, 453. Is appointed to examine the validity of the king's marriage, *ib*. Declares Catherine contumacious for non-appearance, and pronounces the marriage invalid, 112. Favours the proteſtant tenets, 129. Intercedes with Henry in behalf of queen Anne Bullen, 158. Is conſtrained to annul the marriage, 160. Encourages farther reformations in religion, 189. Oppoſes the law of the ſix articles, 195. Diſmiſſes his wife in obedience to them, *ib*. Communicates to Henry an account of queen Catherine Howard's lewdneſs, 218. Loſes a powerful friend by the death of the duke of Suffolk, 254. Is protected by the king againſt the catholic courtiers, 255. Attends Henry in his dying moments, 265. Is named one of the regency during the minority of Edward VI. 381. His importunity with the young king to ſign the warrant for the execution of Joan Bocher, 324. Adheres to Somerſet the protector in his diſtreſs, 331. Oppoſes the attainder of Tonſtal, biſhop of Durham, 357. Is induced to ſign the patent for the ſucceſſion of lady Jane Gray, 364. Is impriſoned and convicted of treaſon, owing to

to his indiſcreet zeal againſt maſſes, 377. Is ſent under a guard to Oxford to debate on tranſubſtantiation, 385. Is cited to Rome for hereſy, 429. Is condemned as contumacious, though in cuſtody, *ib.* Is degraded, *ib.* Subſcribes to the pope's ſupremacy, and the real preſence, 430. Contradicts this ſubſcription by public declaration, *ib.* Is burnt, and his fortitude at the ſtake, *ib.* A character of him, 431.

Crecy, battle of, between Edward III. of England, and Philip de Valois of France, ii. 433. The great ſlaughter of the French at, 436.

Credit, national, low ſtate of, previous to the reign of Elizabeth, v. 476.

Crema, cardinal de, diſgraceful anecdote of, i. 343.

Crequi, marſhal, is defeated by the Imperialiſts in an endeavour to relieve Treves, viii. 19.

Creſſingham, treaſurer of Scotland, is joined in the adminiſtration with Ormeſby, on earl Warrenne leaving his government there, ii. 298. Exaſperates the Scots by his oppreſſions, *ib.* Urges Warrenne to give battle to Wallace, 301. Is ſlain in the action with Wallace, *ib.* His body contemptuouſly treated by the Scots, *ib.*

Crevant, in Burgundy, beſieged by the French and Scots, but raiſed by the Engliſh, iii. 129.

Criminal law, among the Anglo-Saxons, a view of, i. 215.

Criminals, a compariſon of the yearly execution of, in England, at different periods, iv. 275. v. 469.

Cromwel, Thomas, defends his patron cardinal Wolſey, againſt a charge of the peers, in the houſe of commons, iv. 94. Is made ſecretary of ſtate, 129. The king's ſupremacy over the church delegated to him, under the title and office of vicar-general, 148. Appoints commiſſioners to viſit the monaſteries, *ib.* Great abuſes charged upon them, *ib.* Preſides in the convocation as vicar-general, 165. Articles of faith framed by this meeting of convocation, 166. The clergy incenſed againſt him for his regulations in religious matters, 170. Pronounces ſentence againſt Lambert, 192. His account of Henry's diſputation with Lambert, 459. Is made a peer, and appointed one of the committee of lords, to frame articles for aboliſhing diverſities of opinion in religion, 194. Aſſiſts the king in his arbitrary proſecutions, 198. Obtains precedency of the other officers of ſtate, 200. Mitigates the proſecutions on the law of the Six Articles, *ib.* Promotes Henry's marriage with Anne of Cleves, 202. Henry harbours a ſecret diſpleaſure againſt him on that account, 204. Is made earl of Eſſex, and knight of the garter, 205. The cauſes which procured his fall, 206. Is committed to the Tower, 208. His accuſation and condemnation, *ib.* His moving letter to the king, *ib.* His execution and character, *ib.*

Cromwel, Oliver, complains in the houſe of commons, of a preacher, for popiſh doctrines, vi. 274. Is ſtopped, with other puritans, from tranſporting himſelf to America, 309. Defeats the royaliſts at Gainſborow, 535. Diſtinguiſhes himſelf at the battle of Horn-caſtle, *ib.* His gallant behaviour at the battle of Marſton-moor, vii. 12. Aſſiſts in defeating the king at Newbury, 17. Becomes a leader of the independents, 21. Differences between him and the earl of Mancheſter, 22. His ſpeech in parliament relative to the ſelf-denying ordinance, 26. How he eluded the ſelf-denying ordinance as to himſelf, 28. His character, 29. New-

models the army, 52. The fanatical ſpirit of the officers and ſoldiers, 53. Commands the right wing at the battle of Naſeby, 57. His ſucceſſes afterwards, 62. Foments the diſcontents of the army, 87. Is the ſecret cauſe of the king being ſeized by the army, 89. His profound hypocriſy, *ib.* Is choſen general by the army, 90. Marches the army toward London againſt the parliament, 91. Retires to Reading, 97. Pays court to the king, and enters privately into treaty with him, 98. The army marches to London, 103. Remarks on his conduct between the king and parliament, 104. Suppreſſes the agitators, and reduces the army to obedience, 109. Calls a meeting of officers at Windſor, to ſettle the nation, wherein it is reſolved to bring the king to a trial, 110. Prevails with the parliament to vote againſt all further treaty with the king, 113. Defeats Langdale and Hamilton, and marches into Scotland, 127. Sends a remonſtrance to the parliament on its treating with the king, 129. Seizes the king, and confines him in Hurſt-caſtle, 130. Marches the army to London, to purge the parliament, 131. His ſpeech in the houſe on the ordinance for bringing the king to a trial, 134. Is appointed one of the king's judges, 136. His hypocritical conduct toward Fairfax, during the time of the king's execution, 145. His general character, and great influence in the army, 157. Is named one of the council of ſtate, 158. Procures himſelf to be appointed lord-lieutenant of Ireland, 165. Suppreſſes the agitators, 167. Arrives at Dublin, 169. Storms Tredah, and puts the garriſon to the ſword, *ib.* Storms Wexford with the ſame cruelty, 170. All Munſter ſubmits to him, 171. Takes Kilkenny, *ib.* Leaves Ireland, 187. Is declared captain-general of all the forces in England, and marches an army to Scotland, 188. Is forced to retire, and is followed by Leſly, 189. Defeats Leſly at Dunbar, 190. Writes polemical letters to the Scots clergy, 191. Follows Charles II. into England, 195. Defeats Charles at Worceſter, 196. Summons a council of officers to remonſtrate to the parliament for a new election, 217. Expels the members from the houſe, and locks the door, 219. An account of his birth and private life, 221. Receives addreſſes on the diſſolution of the parliament, 225. Summons a new parliament, 227. His addreſs to it, 228, *note.* The parliament reſigns up its authority to him, 231. Is declared protector, 232. His powers, *ib.* Makes peace with the Dutch, 236. Executes the Portugueſe ambaſſador's brother, for aſſaſſination, 237. Summons a parliament, 238. His equitable regulation of elections, *ib.* Diſcontents againſt his adminiſtration, 239. The parliament diſputes his authority, 240. Diſſolves it, after obtaining a recognition, 242. An inſurrection of royaliſts at Saliſbury ſuppreſſed, 243. Divides England into twelve military juriſdictions, under major generals, to ſuppreſs the royaliſts, 244. Iſſues letters of repriſals againſt France, 249. His influence over the French miniſter Mazarine, 250. Reflections on his foreign negociations, 251. Sends a fleet under Blake to the Mediterranean, 253. Sends a fleet under Pen and Venables to the Weſt Indies, 254. Jamaica taken, *ib.* Sends Pen and Venables to the Tower, 255. The vigour of his foreign tranſactions, 258. His domeſtic adminiſtration, 259. Eſtabliſhes a militia, 260. Eſtabliſhes a commiſſion of *Tryers*, to preſent to eccleſiaſtical benefices, 261. His general conduct in religious matters,

matters, 262. His addreſs in procuring ſecret intelligence, 263. His general deportment, 264. His vein of pleaſantry ſometimes leads him into inconſiſtencies; inſtanced in an anecdote, 265. His plan of adminiſtration in Scotland, 266. In Ireland, 267. Endeavours to be made king, 269. Deſtroys the authority of the major-general, *ib.* The crown is offered to him by parliament, 270. Is afraid to venture on it, 271. Extract from his ſpeech on refuſing it, 273, *note.* The motives of his refuſal, 274. His protectoral authority confirmed by parliament, 275. Brings his ſon Richard to court, and marries his daughters, 276. Summons a new parliament in two houſes as formerly, 277. Diſſolves it, on his houſe of peers not being owned by the commons, 278. Concludes an alliance with France, *ib.* Sends an army to join Turenne in Flanders, 279. Dunkirk delivered to him, *ib.* Parties formed againſt him at home, 280. Diſcovers a plot of the royaliſts, 281. Eſcapes aſſaſſination by Sindercome, 282. Is diſturbed with apprehenſions and domeſtic troubles, 283. Falls ſick, 285. Dies, 285. His character, 287. An apology for his conduct, 290. Anecdotes of his family, 291. Remarks on his political ſituation at the time of his death, 292. His regard to literary merit, 341. His account to lord Orrery, of the firſt cauſe of determining on the death of Charles I. 519.

Cromwell, Richard, is brought to court by his father, vii. 276. His character, *ib.* Is acknowledged protector, 293. Calls a parliament, 294. Cabal of Wallingford-houſe, againſt him, 295. Is perſuaded to call a general council of officers, who alſo cabal againſt him, *ib.* Is forced to reſign the protectorſhip, 297. Paſſes the remainder of his life in peace, *ib.*

———, Henry, ſecond ſon of Oliver, his character, vii. 267. Is made lord lieutenant of Ireland, *ib.* Reſigns his command, and retires to England, 297. His death, viii. 11, *note.*

Cropredy bridge, battle of, between Charles I. and Sir William Waller, vii. 15.

Crown, entail of, by the firſt parliament of Henry VII. iii. 316. A review of powers claimed by, to the time of Charles I. vi. 160.

Cruſades, the commencement of, i. 292. The univerſal rage for engaging in, 296. The political uſe made of this frenzy by the European princes, 299. Why leſs attended to by William Rufus, than by other princes, *ib.* Hiſtory of, continued, 309. 456. Richard I. prepares to engage in, ii. 3. The emperor Frederick marches on, 7. Richard I. of England and Philip of France engage in, *ib.* Their tranſactions at Sicily, 9. At Cyprus, 12. Acre in Paleſtine taken by their aſſiſtance, 15. Lewis IX. of France, and prince Edward, ſon of Henry III. engage in one, 219. Lewis dies, 220. Edward recalled by his father, who dies quickly after, *ib.*

Cumberland, earl of, fits out a fleet at his own charges againſt the Spaniards, but meets with ill ſucceſs and misfortunes, v. 351. Undertakes another expedition, which fails, 362. Endeavours to mitigate the ſentence of the council againſt the earl of Eſſex, 416.

Cummin of Badenoch, aſſociated with the Stewart of Scotland, in the regency of that kingdom, ii. 303. Is routed at Falkirk by Edward, 304.

Cummin, John, choſen regent of Scotland, ii. 309. Defeats John de Segrave, Edward's guardian of Scotland, *ib.* Makes his ſubmiſſion to Edward, 310. Betrays young Robert Bruce's ſecrets to Edward, 314. Is killed by Bruce, 316.

Curſon, Sir Robert, governor of Hammes, employed by Henry VII. to betray the ſecrets of the earl of Suffolk, iii. 392.

Cuſtoms, produce of, in queen Elizabeth's reign, v. 474. The amount of theſe duties in the reign of James I. vi. 57. 191. Amount of, in the reign of Charles I. before the civil wars, vii. 363.

Cyprus, part of the fleet of Richard I. ſhipwrecked and pillaged on that coaſt, in their way to the Holy Land, ii. 12. Iſaac, prince of, conquered and thrown into priſon by Richard, *ib.* Richard eſpouſes Berengaria, daughter of Sanchez king of Navarre, there, 13. Luſignan made king of, by Richard, 19.

D.

DACRES, Leonard, excites an inſurrection in the north of England, i. 264.

D'Albert, conſtable of France, extraordinary defeat of, at Azincour, by Henry V. of England, iii. 100.

D'Albiny, Philip, defeats the French fleet coming to England to ſuccour prince Lewis, and his ſtratagem on that occaſion, ii. 150.

D'Allmaine, Henry, ſon to Richard king of the Romans, and earl of Cornwal, joins Leiceſter and the barons, againſt Henry III. ii. 196. Is gained over to the royal cauſe by prince Edward, 200. Commands the main body of the king's army at the battle of Lewes, in conjunction with his father, 204. Is ſurrendered, together with Edward, to Leiceſter, to gain the liberty of Henry and his father, 206. Recovers his liberty, with the other priſoners, by the battle of Eveſham, 216. Is aſſaſſinated by his couſins, at Viterbo, 218.

Danby, Sir Thomas Oſborne, treaſurer, made earl of, vii. 512. His character, viii. 11. Receives information of the popiſh plot, 63. Communicates it to the houſe of Lords, 78. His letter to Montague ambaſſador at Paris, produced before the houſe of commons, 86. Is impeached by the commons, 87. His defence of himſelf, 88. His impeachment revived by the following parliament, 97. Is committed to the Tower, 98. Is admitted to bail, 205. Is freed by the houſe of lords, on the acceſſion of James II. 226. Concurs in an invitation to the prince of Orange, 283. His conduct in parliament on the abdication of James, 313.

Danes, the nature of their firſt piratical inroads into England, i. 69. A body of them take up their winter-quarters here, 70. Sack Wincheſter, 74. Seize York and other places, 75. Defeat Alfred, and continue their depredations, 78. Reduce the Saxons to deſpair, 79. Routed by Alfred, 82, 83. Admitted to ſettle, and baptized, 84. Revolt, 87. Renew their invaſions, 131. Receive tribute from king Ethelred, 133. Their piratical conduct accounted for, 137. Settle in Normandy,

Normandy, *ib.* Retain their ancient rude ferocity in England, 140. Ever ready to betray the Engliſh to their foreign countrymen, 141. A maſſacre of, *ib.* Deſtroy the Engliſh fleet, 143. See *Canute*, and *Denmark*.

Danegelt, occaſion of impoſing that tax, i. 153. Remitted, 353. 469.

Dangerfield, the author of the meal-tub plot, his character, viii. 124.

D'Aquila, Don John, commands the Spaniſh troops in an invaſion of Ireland, v. 436. Is forced to capitulate to Mountjoy the deputy, 438.

Darcy, lord, joins Aſke's inſurrection in the north, iv. 172. Is impriſoned on the ſuppreſſion of it, 174. Is executed, 175.

Darnly, lord, ſon of the Earl of Lenox, is propoſed as huſband for Mary queen of Scotland, v. 85. His pedigree, *ib.* Is married to her, 89. Is inſulted from the pulpit by John Knox, *ib.* His character, 94. Reſents the queen's neglect of him, 95. Becomes jealous of David Rizzio, *ib.* Enters into a plot with the chancellor Morton for the deſtruction of Rizzio, 97. Cauſes Rizzio to be aſſaſſinated in the queen's preſence, 98. Avows his orders for this action, *ib.* Is prevailed on by Mary to diſavow all concern in Rizzio's murder, and is then left by her in diſdain, 99. Is reduced to deſpair by her neglect, 105. His illneſs attributed to poiſon, 106. The queen's apparent reconciliation, and tenderneſs of him, *ib.* Is blown up with gunpowder, in a lone houſe where he was lodged, 107. A confederacy of nobles formed to puniſh his murderers, 118.

Darvel, Gatherin, a Weliſh Romiſh idol, brought to London, and employed to burn Friar Foreſt, iv. 180.

Daubeney, lord, general of Henry VIIth's army againſt the Scots, ordered to march againſt the Corniſh rebels, iii. 374. Engages them at Blackheath, *ib.* Taken priſoner by them, but reſcued, 376. Defeats them, *ib.*

D'Aubigney, count, his family and character, v. 231. Is ſent by the duke of Guiſe, to detach James of Scotland from the Engliſh intereſt, *ib.* Inſinuates himſelf into favour with James, and is created earl of Lenox, 232. See *Lenox*.

David king of Scotland, invades England in favour of the empreſs Matilda, i. 357. Routed, *ib.* Confers knighthood on Henry ſon of the empreſs, 367.

———, eldeſt ſon and heir of Lewellyn prince of Wales, does homage to Henry III. and delivers his brother Griffin into his hands, ii. 190. Is taken priſoner by Edward I. and tried, and executed as a traitor, 242.

Davis's ſtraits diſcovered, v. 477.

Daviſon, ſecretary, is ordered by queen Elizabeth to prepare a warrant for the execution of Mary queen of Scots, v. 310. Is perſuaded by the council to ſend the warrant to be put into force, 311. Is puniſhed in the ſtar-chamber for ſo doing, 322. His account of Elizabeth's behaviour in juſtification of himſelf, *ib.*

Dauphin, the occaſion of the eldeſt ſons of the kings of France obtaining that appellation, ii. 451.

D'Eſſe, commands a body of French troops ſent to the aſſiſtance of the Scots, iv. 310. Beſieges Haddington, 311. Retires, 313.

D'Ewes, Sir Simon, his character of queen Henrietta, conſort of Charles I. vii. 59, *note*.

De Gray, John, biſhop of Norwich, choſen to the ſee of Canterbury, in oppoſition to the clandeſtine election of Reginald, ii. 58.

De la Mare, Peter, the firſt ſpeaker of the houſe of commons, choſen, iii. 3.

De Ruyter, the Dutch admiral, engages Sir George Ayſcue, vii. 214 In conjunction with De Wit, is defeated by Blake and others, *ib.* He and Tromp defeat Blake, *ib.* Attacks the Engliſh ſettlements in the next war with Charles II. 399. He and Tromp engage the Engliſh fleet for four days, 410. Is defeated at the mouth of the Thames, 413. Sails up the Medway and Thames, and burns the Engliſh ſhips, during the treaty of Breda, 421. Battle of Solebay, 485. Is twice engaged with prince Rupert, the Engliſh admiral, 507. Engages prince Rupert again, at the mouth of the Texel, 508. Is killed, viii. 20.

De Thermes, the French governor of Calais, makes an irruption into Flanders, but is defeated by count Egmont, with the caſual aſſiſtance of an Engliſh fleet on the coaſt, iv. 443.

De Vienne, John, governor of Calais, his prudent precautions on that city being beſieged by Edward III. ii. 437. His manly parley with the Engliſh, 441.

De Wit, Cornelius, is with De Ruyter defeated by the Engliſh fleet under Blake, vii. 214. Goes on board De Ruyter's fleet, as deputy from the States, 485. Comes on ſhore for his health, and is tortured on an accuſation of attempting to poiſon the prince of Orange, 495. Is, with his brother, cruelly murdered by the populace, 496.

———, John, the Dutch miniſter, his character, vii. 402. Takes the command of the fleet himſelf, after the defeat and death of Opdam, 404. Motive of his protracting the negociations of Breda, 420. His negociations with Sir William Temple, to oppoſe the French conqueſts in the Netherlands, 434. Concludes the triple alliance with England and Sweden, 435. His friendly viſit to Temple, 463. Is oppoſed in his preparations for war, by the Orange faction, 482. Oppoſes the repeal of the perpetual edict, 494. Is, with his brother, cruelly murdered by the populace, 496.

Deadly Feud, among our Saxon anceſtors, what, and how compounded, i. 217.

Debt, when firſt contracted on parliamentary ſecurity, iii. 215.

Decretals of pope Gregory IX. a character of, ii. 229.

Defender of the faith, this title beſtowed by pope Leo X. on Henry VIII. iv. 36.

Deiſts, a character of, under the commonwealth, vii. 226.

Delinquents, this term when introduced, and how applied, by the houſe of commons, vi. 372.

Denham, Sir John, his character as poet, vii. 346. His death, *ib.*

Denmark; ſee *Danes*. James VI. of Scotland, goes over to, and marries a princeſs of, v. 352. King of, his treachery toward the Dutch Eaſt-India fleet,

fleet, vii. 405. His treachery toward Charles II. of England, 406. Joins the confederates againſt Louis XIV. viii. 19. Prince George of, married to the lady Anne, daughter of James duke of York, 205. Prince George joins the prince of Orange, 296. See *Anne*, princeſs of.

Derby, Henry earl of, ſon of the earl of Lancaſter, is ſent by Edward III. to protect the province of Guienne, ii. 423. His military operations there, *ib.* Inſtance of his generous regard to his promiſe, *ib. note.* His farther ſucceſſes, 438. Becomes earl of Lancaſter, 450. See *Lancaſter*.

——, counteſs of, is the laſt perſon who ſubmitted to the forces of the commonwealth, vii. 205. Letter from the earl of, in anſwer to Ireton's ſummons, 528.

Dermot Macmorrogh, king of Leinſter, his tyrannic conduct, i. 427. Solicits the aſſiſtance of Henry II. of England, *ib.* Engages Strongbow, Fitzgerald, and Fitz-ſtephens, to undertake expeditions in his favour, 428.

Deſborough, brother-in-law to Oliver Cromwell, oppoſes his accepting the title of king, vii. 274. Engages in the cabal at Wallingford-houſe, 295. Obliges Richard Cromwell to diſſolve his parliament, 296.

Deſpenſer, Hugh le, the chief juſticiary appointed by the council of barons, removed by Henry III. ii. 194. Is reſtored by the earl of Leiceſter, 199. Refuſes to abide by the award of Lewis of France, 202. Is killed at the battle of Eveſham, 215.

——, Hugh le, favourite of Edward II. his character, ii. 344. Character of his father, *ib.* The earl of Lancaſter and the barons combine againſt him, *ib.* Is married to Edward's niece, coheir of the earl of Glouceſter, *ib.* His lands ravaged by the barons, 345. The parliament forced to pronounce a ſentence of forfeiture and exile upon him, and his father, 346. Is recalled by the king, with his father, 347. His rapaciouſneſs after the forfeitures of the duke of Lancaſter's party, 349. His father murdered by the barons, 356. Is himſelf put to death, *ib.* Particulars of his father's loſſes by the barons, 367. Remarks on theſe loſſes, and concluſions drawn from them, *ib.*

Devonſhire, an inſurrection there to oppoſe the reformation, headed by Humphry Arundel, iv. 329. Exeter beſieged by the inſurgents, 330. They are defeated by the Lord Ruſſel, *ib.*

Devonſhire, Courtney, earl of, is propoſed as a huſband to queen Mary, iv. 380. Incurs her reſentment on declining it, 381. Is releaſed from confinement by the mediation of Philip, and dies abroad, 402.

Digby, Sir Everard, engages in the gunpowder plot, vi. 33. Is executed for it, 37. Evidences of his former good character, *ib.*

Directory for public worſhip, one eſtabliſhed by the aſſembly of divines at Weſtminſter, in the room of the liturgy, vii. 32.

Diſpenſing power, the houſe of commons addreſs James II. on his exerciſing it, viii. 240. His obſtinate continuance of it, 244. The ancient claim, and exerciſe of, by the crown, 245. Arguments againſt it, 247. Is aboliſhed by the bill of rights, 249, *note.*

D'Oiſel, a Frenchman, attends the queen dowager of Scotland, to aſſiſt her in the adminiſtration, iv. 439. Projects a tax to maintain a ſtanding force there, *ib.* This ſcheme oppoſed, *ib.* Is reproved by the council for his hoſtile attacks on the Engliſh borders, 440.

Domeſday-book, the nature of, explained, i. 275.
Dominicans and Franiſcans, obſervations on the inſtitutions of thoſe new orders of religious, ii 229.
Donne, a character of his ſatires, vi. 195.
Doring, a proteſtant miniſter, openly reproves queen Elizabeth for obſtructing the reformation, v. 153, *note*.
Doriſlaus, his hiſtory, and murder, vii. 172, 173.
Dorſet, marquis of, commands the Engliſh forces at the expedition to Fontarabia, iii. 420. Diſcovers the double dealing of his auxiliary Ferdinand of Arragon, 421. Returns to England, 422.
Douay, a ſeminary founded there by Philip II. of Spain, for the education of Engliſh catholics, v. 236.
Dover, a tumult there, occaſioned by the retinue of Euſtace count of Boulogne, i. 163. Burnt by Philip of France, ii. 265.
Douglas, lord, appointed by Robert Bruce joint commander with the earl of Murray, of the Scots army invading England, on the death of Edward II. ii. 372. His bold attempt to ſeize Edward III. in his camp, 375. Retires home, *ib.* Goes to Spain, on a cruſade againſt the Moors, 383.
———, Sir Archibald, defeats Edward Baliol, and drives him to England, ii. 385. Is defeated and killed by Edward III. at Halidown-hill, 387.
———, earl, his irruption into England, and defeat, iii. 68. Aſſiſts young Piercy, at the battle of Shrewſbury, 71.
———, George, aſſiſts with others in aſſaſſinating David Rizzio, v. 98.
Downing, the Engliſh reſident in Holland, ſeizes Berkſtead, Corber, and Okey, three of the king's judges, and ſends them to England, vii. 380. Preſents a memorial of Engliſh complaints to the ſtates, 399. Is again ſent over on the removal of Sir William Temple, 473.
Drake, Francis, his voyage round the world, and depredations on the Spaniards, v. 234. Is knighted by Elizabeth, 235. His expedition to the Spaniſh Weſt Indies, 274. Deſtroys a Spaniſh fleet at Cadiz, 327. Takes a rich carrack at Tercera, *ib.* Commands againſt the Spaniſh armada, under lord Effingham, 335. Takes two large veſſels belonging to it, 342. Undertakes an expedition againſt Portugal, 348. Deſtroys a Spaniſh fleet at the Groyne, 349. Makes an unſucceſsful attack on Liſbon, 350. Burns Vigo, and returns, *ib.* Makes an unſucceſsful attempt on Porto Rico, 378. Is repulſed at Darien, where he dies, *ib.*
Dreux, battle of, between the conſtable Montmorency and the prince of Condé, v. 72.
Druids, their office and power, i. 4. Excommunication by them, fatal conſequences of incurring, *ib.* Their doctrines, *ib.* Their places of worſhip, 5. Their rites, *ib.* Their treaſures how preſerved, *ib.* Their religion not aboliſhed without force, *ib.* Their chief ſeat at Angleſea deſtroyed, and themſelves burnt, by Suetonius Paulinus, 8.
Dryden, his character as a poet, viii. 335. Was ſuffered to remain in poverty, 336.
Du Gueſclin, a gentleman of Britanny, his character, ii. 472. Is employed in the wars of Charles king of France, *ib.* Is employed to enliſt the companies of banditti to ſerve againſt Caſtile, 475. His reſolute demands of the pope at Avignon, *ib.* Chaſes Peter king of Caſtile from his

his dominions, 476. Is defeated by prince Edward, 477. Is made conſtable of France, 482.

Dublin, a conſpiracy formed for ſeizing the caſtle of, by Roger More, vi. 436. The plot diſcovered, *ib.* Receives the Engliſh fugitives from the other provinces, 441. Its diſtreſs during the devaſtation of Ireland, 544.

Dudley, a lawyer, the inſtrument employed by Henry VII. in oppreſſing his people, his character, iii. 387. His mode of practice, *ib.* Choſen ſpeaker of the houſe of commons, 389. Summoned before the privy council of Henry VIII. 411. Committed to the Tower, 412. Tried, *ib.* Executed to gratify the people, *ib.*

———, the lord Guilford, married to the lady Jane Grey, iv. 361. Is apprehended with the lady Jane, on the acknowledgment of queen Mary, 372. Is ſentenced together with his lady, 373. Is executed on occaſion of Suffolk's freſh conſpiracy, 392.

———, lord Robert, becomes the declared favourite of queen Elizabeth, v. 60. Is created earl of Leiceſter, and propoſed by Elizabeth as a huſband for Mary queen of Scots, 82. See *Leiceſter*.

Duelling, when, and on what occaſion the general practice of, firſt took riſe, iv. 73.

Dunbar, the caſtle of, ſurrendered to Edward I. ii. 281. Sir George Hume, created earl of, vi. 4. Battle of, between Oliver Cromwell, and the Scots general, Leſley, vii. 190.

Duncan, natural ſon of Malcolm king of Scotland, ſeizes the kingdom, i. 291.

Dundee is taken by general Monk, and the inhabitants put to the ſword, vii. 207.

Dunes, battle of, between the combined army of Engliſh and French, and the Spaniards, vii. 279.

Dumfermling, abbot of, is appointed one of the commiſſioners on the part of the king and kingdom of Scotland, to enquire into the conduct of Mary queen of Scots, v. 134. Elizabeth's declaration to him, reſpecting the treaty ſhe had entered into with Mary, 171. Is appointed by the Scots parliament a commiſſioner to treat with Elizabeth concerning Mary, *ib.* Is diſmiſſed by her, without concluding on any thing, 172. Joins an aſſociation of the nobility who ſeize James from the hands of Lenox and Arran, 248.

Dunkirk, is taken from the Spaniards, and delivered to Oliver Cromwell, vii. 279. Is ſold to the French by Charles II. 386.

Dunois, count of, raiſes the ſiege of Montargis, iii. 137. Defeated and wounded in an action with Sir John Faſtolf, 140. Over-rules Joan D'Arc's inſtructions for conducting the convoy to Orleans, 145. Yields to her in a ſecond inſtance, 146. Prevails on her to alter her ſcheme of a general attack of the Engliſh trenches, 147. Probably prompted all her meaſures, 150. Perſuades her to ſtay, on her wanting to return home, 154. His farther ſucceſſes againſt the Engliſh, 159. Beſieges and takes Maine, refuſed to be ſurrendered according to treaty by the governor, 174. Aſſiſts at the final reduction of Normandy, 176. Recovers Guienne from the Engliſh, 178. Commands the troops of Britanny

tanny under his father, 337. Gained over to the intereſts of France, 348.

Dunſtan, St. abbot of Glaſtonbury, his aſcendency over king Edred, i. 109. His life and character, 111. Is placed at the head of the treaſury, 112. His inſolent behaviour to king Edwy, 115. Baniſhed, 116. Returns, and heads the rebellion againſt Edwy, 117. Promoted to the ſee of Canterbury, *ib.* Enjoins Edgar penance for ſacrilege, 122. Crowns king Edward the Martyr, 127. His motives for adhering to Edward in preference to his brother, *ib.* Miracles in favour of, 128.

Durham, Hugh de Puzas, biſhop of, purchaſes the office of chief juſticiary and the earldom of Northumberland, of Richard I. ii. 5. Is appointed joint guardian of the realm with Longchamp biſhop of Ely, during Richard's abſence on the cruſade, 6. See *Ely*.

E.

EADBALD, ſucceeds his father in the kingdom of Kent, i. 38. Why he renounced chriſtianity, *ib.* Receives it again, *ib.*

Eadburga, wife of Brithric king of Mercia, her infamous character, i. 57.

Earl and alderman, ſynonimous appellations among the Saxons, i. 575. The original nature of this dignity explained, ii. 269.

Earpwold, king of Eaſt Anglia, apoſtatiſes from chriſtianity, i. 46. Hiſtory of his ſucceſſors, *ib.*

Eaſt Anglia, hiſtory of the Saxon, kingdom of, i. 46.

Eaſt India, the new paſſage to, round the Cape of Good Hope, firſt diſcovered, iii. 404.

——— company, the firſt patent granted to, by queen Elizabeth, v. 477. A new patent granted to, by James I. vi. 184. Differences between, and the Dutch company, *ib.* Cruelties practiſed by the Dutch at Amboyna, 185. Its charter revived and ſupported by Charles II. viii. 329.

Eaſter, diſputes among the Saxon clergy, concerning computing the time of that feaſt, i. 63.

Eccleſiaſtical courts, a complaint preferred by the commons to Henry VIII. againſt the oppreſſions of, iv. 108.

——— government of England, innovations made in, by William the conqueror, i. 255.

——— *revenues*, the taxation of, reſigned to parliament, vii. 401.

——— *and civil powers*, advantages reſulting from an union between, i. 380. 405.

Eccleſiaſtics, their homage to laymen for temporalities, condemned by the council of Bari, i. 304. Why unfit for being intruſted with the great offices under the crown in the papal times of England, ii. 409. Cauſes which favoured their promotion to them, *ib.* Their encouragement ſecured by the attachment of mankind to their doctrines, iv. 30. The political motives to fixing their ſalaries, and bribing them to indolence, 31. Theſe motives the foundation of religious eſtabliſhments, 32. How they became dangerous to the civil authority. See *Biſhops*, *Hereſy*, and *Reformation*.

Edgar, ſucceſſor to Edwy king of England, his wife adminiſtration, i. 117. Eſtabliſhes a formidable navy, 118. His barge ſaid to be rowed by eight tributary

tributary kings, *ib.* His attachment to the monks, *ib.* Inveighs againſt the ſecular clergy, 119. His addreſs to Dunſtan, *ib.* How he gained his good character, 121. Inſtances of his licentious conduct, *ib.* Treacherous conduct of Athelwold towards him, 123. Kills Athelwold, 125. Eſpouſes Elfrida, *ib.* Encourages foreigners to ſettle, *ib.* Clears the country of wolves, 126.

Edgar Atheling, judged unfit for the ſucceſſion by king Edward the confeſſor, i. 169. 172. Proclaimed by Stigand, archbiſhop of Canterbury, 232. Submits to William the conqueror, 234. Kindly treated by him, 238. Attends William to Normandy, 239. Retires to Scotland, with his ſiſters, and marries one to King Malcolm, 248. Returns and excites an inſurrection, 249. Received into favour, 261. Sent into Scotland, to reſtore Edgar, the right heir to that kingdom, 308. Lives long, and dies in peace, 325.

Edge-hill, battle of, between Charles I. and the earl of Eſſex, vi. 506.

Edinburgh, taken by Edward I. ii. 281. Is burnt by Richard II. iii. 12. Seized by Henry IV. 68. Pillaged and burnt by Henry VIII. iv. 215. Riot of proteſtants there, on the feſtival of St. Giles, v. 24. Receives the army of the congregation of the Lord, 30. Treaty ſigned there by the Engliſh plenipotentiaries, and thoſe of France, 36. A tumult there on introducing the liturgy, vi. 327. The ſolemn league and covenant framed there, 540. Is ſeized by Cromwell, after the victory of Dunbar, vii. 190.

Editha, a nun, carried off and raviſhed by king Edgar, i. 121. Penance enjoined him by Dunſtan on this occaſion, 122.

———, daughter of earl Godwin, is married to Edward the confeſſor, i. 159. Is hated by her huſband on her father's account, 163.

Edmond, primate of England, procures the diſmiſſion of the biſhop of Wincheſter, by his menace to Henry III. ii. 162. His prudent conduct in reſult, 163. How he obtained the ſee of Canterbury, 168.

——— *Ironſide*, ſon of Ethelred, king of England, ſtate of the kingdom at his acceſſion, i. 146. His battle with Canute, 147. Shares his kingdom with him, *ib.* Murdered, *ib.* Fate of his children, 148.

Edmund, ſucceſſor to Athelſtan, king of England, his ſhort reign and violent death, i. 107.

Edred, ſucceſſor to Edmund, king of England, quells the Danes, and receives homage of Malcolm king of Scotland, i. 108. Advantages taken of his ſuperſtition, 109.

Edric, ſon of Egbert, diſpoſſeſſed, by his uncle Lothaire, of the kingdom of Kent, i. 39. Defeats him, and obtains the ſucceſſion, *ib.*

———, duke, his treacherous behaviour, i. 143, 144. Deſerts to Canute, 145. Returns to the ſervice of Edmond Ironſide, and betrays him, 147. Executed by Canute, 149.

Edward the elder, ſon of Alfred, his reign, i. 99. His title conteſted by Ethelwald, his couſin-german, *ib.* The rebellion ſuppreſſed, 100. His wars againſt the Northumbrians and Danes, 101. Repels the Scots, 102. Account of his ſiſter Ethelfleda, *ib.*

Edward the martyr, ſon to Edgar, king of England, crowned by Dunſtan, i. 127. His tragical death, 129.

Edward the confeſſor, the Saxon line reſtored by his acceſſion to the crown of England, i. 159. His partiality to the Normans, 161. Eſpouſes Editha, daughter of earl Godwin, 162. His attempts to exclude Harold from the ſucceſſion, 169. His death and character, 178. Compiled a body of laws, *ib.* The firſt who touched for the evil, *ib.* Terrible famine in the time of, 227. Some of his laws reſtored, 260.

———, prince, eldeſt ſon of Henry III. ſhews early indications of a great ſpirit, ii. 186. Is obliged to ſwear obedience to the council of twenty-four barons, appointed by the Oxford parliament, 187. The knights of the ſhires appeal to him againſt the delays and proceedings to the council of barons, 188. His conduct on this occaſion, *ib.* Refuſes to avail himſelf of the pope's abſolution from his oath, to obſerve the proviſions of Oxford, 193. Is taken priſoner by Leiceſter, 199. Is reſtored by the king's treaty and compliance with the barons, 200. Forms a party againſt the barons, *ib.* His ardour at the battle of Lewes, occaſions his father to be defeated and taken priſoner, 204. His treaty with Leiceſter, 206. His treatment by Leiceſter, 212. Eſcapes from his cuſtody, 214. Defeats Simon de Montfort, coming to join his father, *ib.* Defeats and kills the earl of Leiceſter at Eveſham, 215. Saves his father's life in this battle, *ib.* His gallant defeat of Adam de Gourdon, and generous treatment of him, 217. Is prevailed on by the king of France to engage in a cruſade to the Holy Land, 219. Takes the earl of Glouceſter with him, *ib.* Arrives at Tunis, and find Lewis dead, 220. Eſcapes aſſaſſination, *ib.* Is recalled by his father, who dies quickly after, *ib.*

Edward I. proclaimed, ii. 232. Guardians of the realm appointed, until his return to England, 233. Influence of his known character, in keeping the kingdom quiet, *ib.* His different emotions at hearing of the deaths of his father and of his infant ſon, how explained by him, *ib.* Spends a year in France before his return to England, *ib.* Incenſes the French knights by his ſucceſſes in a tournament at Chalons, 234. Does homage to Philip at Paris, for his French dominions, *ib.* Is crowned at Weſtminſter, *ib.* Applies himſelf to rectifying the diſorders of government, *ib.* Calls a parliament, with this intention, 235. Appoints itinerant commiſſioners for the puniſhment of criminals, *ib.* Annuls the commiſſion, 236. His cruelty towards the Jews accuſed of adulterating the coin, *ib.* Baniſhes them, 237. His frugal management of his revenue, 238. Supplies granted to him, *ib.* Summons Lewellyn, prince of Wales, to renew his homage, 240. Reduces him on his non-compliance, 241. Takes his brother and ſucceſſor, David, priſoner, tries and executes him as a traitor, 242. Puts all the Welſh bards to death, 243. Traditional account of the annexation of the principality of Wales to the crown, and its giving title to the king's eldeſt ſon, *ib.* Goes abroad to mediate a peace between Alphonſo, king of Arragon, and Philip of France, *ib.* Negociates a treaty of marriage between prince Edward and Margaret of Norway, queen of Scotland, 246. This marriage fruſtrated by her death, 247. The claims of the competitors for the crown of Scotland, referred to his deciſion, 250. His reflections and ſchemes on this appeal to him, *ib.* Searches monaſtic records to eſtabliſh a claim to the kingdom of Scotland, 251. Goes with an army to Norham on the

ſouth of the Tweed, to determine the right of the Scottiſh crown, 253. Declares to them his right to diſpoſe of the crown, as liege lord of Scotland, *ib.* Requires of the competitors an acknowledgment of his ſuperiority, 255. Obtains this conceſſion from them, 256. Claims and obtains poſſeſſion of the Scots fortreſſes, *ib.* The Scots barons and prelates ſwear fealty to him, 257. Decides in favour of John Baliol, 258. Baliol ſwears fealty to him, and is put in poſſeſſion of the crown, *ib.* Provokes the Scots and their new king by his acts of uſurpation over them, 259. Mutual depredations committed by the ſhips of France and England, occaſioned by a private quarrel, 260. His offers to accommodate the difference rejected, *ib.* Loſes the province of Guienne by the artifice of Philip of France, 263. His attempts to recover it defeated by Philip, 264. The occaſion of changing the feudal military ſervice into pecuniary ſupplies, 265. The conſequences of this alteration, 270. The firſt beginnings of popular government to be dated from his reign, 272. Summons the repreſentatives of the people in parliament to obtain their conſent to ſupplies for government, 274. Summons deputies of the inferior clergy to parliament, 278. They ſcruple to aſſemble on his writ, 279. This objection accommodated, and the two houſes of convocation formed, *ib.* Summons John Baliol to aſſiſt him againſt France, and makes other demands which he refuſes, 280. Aſſembles an army to chaſtiſe him, *ib.* Takes Berwic by aſſault, and puts the garriſon to the ſword, 281. The Scots beat earl Warrenne, and the caſtle of Dunbar ſurrendered, *ib.* Takes Edinburgh, and ſubdues all Scotland, *ib.* Baliol ſwears fealty to him, 282. Carries him priſoner to the Tower of London, 283. Carries away the famous ſtone, deſtroys the Scots records, breaks their great ſeal, and leaves earl Warrenne governor of Scotland, 282, 283. Makes another unſucceſsful attack upon Guienne, 283. Marries his daughter to John earl of Holland, and forms alliances againſt France, 284. Obtains grants from parliament, *ib.* Is oppoſed in his demands by the clergy, *ib.* The occaſion of this oppoſition, *ib.* Prohibits all rent to the clergy, 285. Excludes them from all protection of the laws, 286. Reduces them to compliance, 287. His oppreſſive extortions on trade, 288. Norfolk, Hereford, and other barons, refuſe to ſerve in the expedition to Gaſcony, 289. The two former refuſe to attend him to Flanders, *ib.* Appoints a new conſtable and mareſchal to act in their places for the preſent ſervice, 290. Reconciles himſelf with the clergy, and appoints the archbiſhop of Canterbury and Reginald de Grey tutors to prince Edward, *ib.* Apologizes to his nobility for the irregularity of his former conduct, *ib.* Promiſes a reformation of government at his return, *ib.* A remonſtrance preſented to him at his departure, by the earls of Norfolk and Hereford, *ib.* Seals the two charters in Flanders, which are previouſly confirmed by parliament, at home, 292. Is obliged to confirm them again, on his return, in the fulleſt manner, *ib.* His reluctance to limiting the boundaries of foreſts, 293. Obtains from the pope an abſolution from his engagements to obſerve the charters, 294. Confirms them again with an exception to the late perambulation of the foreſts, *ib.* Concludes a truce with Philip of France, and ſubmits the differences between them to pope Boniface, 296.

The pope's award between them, 297. Marries Margaret, the ſiſter of Philip, *ib.* The Scots riſe againſt him under William Wallace, 299. His army under earl Warrenne defeated by Wallace, 301. Advances with a great army to Scotland, 302. Overthrows the Scots at Falkirk, 304. Is applied to by pope Boniface in behalf of Scotland, 307. His anſwer to the pope, *ib.* Appoints John de Segrave guardian of Scotland, 309. Returns to Scotland, ſcours the whole country, and receives the ſubmiſſion of the Scots, 310. Endeavours to fix his government over Scotland, 311. Wallace betrayed into his hands, *ib.* Executes Wallace as a traitor, *ib.* His army under Aymer de Valence, defeats Robert Bruce, 317. Dies, 318. His character, *ib.* His legiſlative acts, 319. Allowed his barons to entail their eſtates, 321. Was the firſt who paſſed a ſtatute of mortmain, 322. His probable motives in this law, *ib.* His children, 323. A ſummary view of the ſupplies granted him by the parliament and clergy, 325.

Edward, prince, ſecond ſon of Edward I. the traditional account of his being made prince of Wales, ii. 243. A treaty of marriage negociated between him and Margaret of Norway, queen of Scotland, 246. This marriage fruſtrated by her death, 247. The archbiſhop of Canterbury, and Reginald de Grey, appointed tutors to him, 290. Is made guardian of the realm during his father's expedition to Flanders, *ib.* Is obliged by the earls of Norfolk and Hereford to confirm the charters of liberties during his father's abſence, 292. Is contracted to Iſabella, daughter of Philip of France, 297. Succeeds to the crown, 327.

——— II. his acceſſion, ii. 327. Indications of his weakneſs of mind, *ib.* His feeble attempt againſt Scotland, 328. His attachment to Piers Gavaſton, *ib.* Appoints him guardian of the realm, on his journey to France, 330. Marries Iſabella of France, *ib.* Is obliged to baniſh Gavaſton, 331. Sends him lord lieutenant of Ireland, *ib.* Obtains of the pope a diſpenſation for Gavaſton's oath never to return, 332. The authority of government veſted in a council of twelve, 333. Makes a ſecret proteſtation againſt their ordinances, 334. Invites Gavaſton back from his ſecond baniſhment by the ordainers, *ib.* Thomas earl of Lancaſter, raiſes an army againſt him, 335. His narrow eſcape from Lancaſter, *ib.* His rage at Gavaſton's murder, 336. Is reconciled to his barons, 337. Makes a fruitleſs expedition to Scotland, 338. Aſſembles a great army againſt the Scots, 339. Is defeated by Robert Bruce at Bannockburn, 340. The dependency of Scotland loſt by this defeat, 341. The barons obtain a renewal of the ordinances from him, 342. Reflections on his incapacity for government, 343. Character of Hugh le Deſpenſer, and his father, his favourites, 344. Enrages the barons, who combine againſt the Deſpenſers, *ib.* Seizes the barony of Gower from John de Mowbray, and gives it to Hugh le Deſpenſer, 345. The barons peremptorily inſiſt on his diſmiſſing Deſpenſer, *ib.* His queen inſulted by lord Badleſmere, 347. Puniſhes this lord, *ib.* Recalls the Deſpenſers, baniſhed by parliament, *ib.* Overpowers his barons, *ib.* Lancaſter declares his alliance with Scotland, and raiſes an army agsinſt him, 348. Lancaſter defeated and executed, *ib.* 349. Makes another fruitleſs attempt againſt Scotland, 350. Concludes a truce with Robert Bruce

Bruce for thirteen years, *ib.* His diſputes with France, *ib.* His queen Iſabella goes to Paris to mediate between her huſband and brother, 351. Reſigns Guienne to his ſon prince Edward, *ib.* Intimacy between his queen and Roger Mortimer, 352. Her reply when he ſent for her back again, 353. Iſabella forms a conſpiracy againſt him, *ib.* Iſabella invades Suffolk, and is joined by the barons, 354. He leaves London, and retires to the weſt, 355. Retreats to Wales, *ib.* Is ſeized by the earl of Leiceſter, and confined in Kenilworth-caſtle, 356. Is depoſed by parliament, *ib.* A reſignation extorted from him, 357. Is pitied by the people, *ib.* Is taken from the cuſtody of Leiceſter, and delivered to lord Berkeley, 358. His cruel uſage, *ib.* Is murdered by Mautravers and Gournay, 359. His character, 360. Compariſon between his reign and that of his father, 361. Prices of commodities in his reign, 365. His children, 370.

Edward, prince, ſon to Edward II. is inveſted by his father with the dutchy of Guienne, ii. 351. Goes to Paris to do homage for it, 352. Is affianced by his mother Iſabella, to Philippa, daughter of the count of Holland and Hainault, 354.

——— III. his acceſſion, ii. 371. The earl of Lancaſter appointed guardian to him, 372. Marches with an army to oppoſe the Scots, *ib.* His difficulty in coming up with them, 374. His defiance to the Scots generals, how anſwered, *ib.* His narrow eſcape from the bold attempt of earl Douglas, 375. Enters into a ſcheme to ſeize Mortimer, 379. Aſſumes the exerciſe of government, 380. His ſtrict regard to the ſuppreſſion of robbery, *ib.* Encourages ſecretly the pretenſions of Edward Baliol to the crown of Scotland, 383. Undertakes to reſtore Edward Baliol when driven out of Scotland, 389. Defeats the Scots at Halidown-hill, 387. The foundation of his claim to the crown of France, 389. The weakneſs of his pretenſion ſhewn, 391. Is ſummoned to do homage for Guienne, 392. Is obliged to perform it, *ib.* Prepares for a war with France, 394. Engages the Flemings to aſſiſt him, through the means of James D'Arteville, 396. Raiſes a force, and paſſes over to Flanders, *ib.* Is created vicar of the German empire, 397. Aſſumes the title of king of France, *ib.* Contracts his ſon Edward to the daughter of the duke of Brabant, 399. Invades France, but retires into Flanders, and diſbands his army, *ib.* 400. Is greatly impoveriſhed by his fruitleſs expedition, 400. Remarks on his preſent ſituation with his parliament, *ib.* Obtains conditional grants from them, 401. The reſolutions of parliament on his aſſumed title as king of France, 402. Obtains a great victory over the French fleet, 403. Beſieges Tournay, 405. Philip's reply to his defiance, *ib.* Concludes a truce with Philip, by the mediation of Jane counteſs of Hainault, 407. Is deſerted by his allies, 408. His ill humour toward his miniſters on his return, *ib.* Archbiſhop Stratford enters into a combination againſt him, 410. Stratford's letter to him, 411. Is reconciled to him, *ib.* Review of his preſent ſituation, *ib.* Is obliged to paſs an act for redreſs of grievances before he obtains any grants, 412. Makes a ſecret proteſt againſt it, 414. Iſſues an edict againſt the validity of this act, *ib.* Patronizes the pretenſions of the count de Mountfort to the dutchy of Britanny, 416. Relieves

the counteſs beſieged at Hennebonne, 420. Sends another fleet to her aſſiſtance under Robert d'Artois, *ib.* Goes over to Britanny in perſon, 421. His treaty with the French, *ib.* How induced to break this truce, 423. Sends the earl of Derby to defend Guienne, *ib.* Invades Normandy, 426. His ſucceſſes there, *ib.* Seizes and plunders Caen, 428. Penetrates as far as Paris, *ib.* Diſpoſition of his army at Crecy, 430. His addreſs to his army, 431. Defeats the French at Crecy, 435. His moderate expectations from this victory, 437. Beſieges Calais, *ib.* His terms to the beſieged, 441. Queen Philippa intercedes for the deputies ordered by him to execution, 443. Turns out the inhabitants, and peoples it with Engliſhmen, *ib.* Concludes a truce with France, *ib.* Diſcovers the treachery of his governor at Calais, and engages him to deceive the French, 444. Engages the French army which was to have ſeized Calais, and routs it, *ib.* His affability to his priſoners, 445. Inſtitutes the order of the garter, 447. Traditional accounts of the occaſion of this inſtitution, 448. Concerts two invaſions of France, 452. Invades France from Calais, while his ſon invades it from Guienne, *ib.* Battle of Poictiers, 454. John king of France, brought priſoner to London, 460. Reſtores king David Bruce on a ranſom, 461. Concludes a treaty with John, which is rejected by the dauphin, and ſtates of France, 465. Invades France with a vaſt force, 466. Progreſs of his arms, *ib.* Is induced to conclude a more moderate treaty, by the duke of Lancaſter, 467. Treaty of Bretigni, 469. His ſuccours to prince Edward under the earl Pembroke, ſeized at ſea by Henry king of Caſtile, 482. Loſes moſt of his territories in France, 483. Attaches himſelf to Alice Pierce, but is forced to remove her from court, *ib.* Dies, 484. His character, *ib.* Retroſpect of his reign, 485. His children, *ib.* 486. His regard to parliaments, 487. Caſes of high treaſon limited in his reign, *ib.* His frequent confirmations of the great charter, *ib.* Windſor-caſtle built by him, and by what means, 490. His great exertion of the prerogatives of the crown, *ib.* His frequent levies of taxes without authority of parliament, *ib.* His open avowal of this power, *ib.* Paſſes the ſtatute of proviſors, 492. State of the internal police in this reign, 493. State of commerce and induſtry, 494. His reign, an intereſting period of our hiſtory, 499.

Edward, prince of Wales, ſon to Edward III. is contracted to the daughter of the duke of Brabant, ii. 399. Is appointed guardian of the realm during his father's abſence in Flanders, 400. Calls a parliament, but is unable to procure his father any ſupplies, *ib.* Attends his father in an expedition to France, 425. His gallant behaviour at the battle of Crecy, 434. His father's behavour to him that day, 435. Invades and ravages Langnedoc and other parts of France, 452. Endeavours to join his father, 454. Defeats king John at Poictiers, and takes him priſoner, 458. His noble behaviour to his priſoner, 459. Concludes a truce, 460. Is inveſted with the principality of Aquitaine, 476. Recals his ſoldiers from the ſervice of Henry, count of Tranſtamare, and protects Peter king of Caſtile, 477. Defeats Tranſtamare, and reſtores Peter, *ib.* Peter's ingratitude to him, 478. Is involved by this expedition, and taxes his principality of Wales to repay it, *ib.* His reply to the French

French king's ſummons, 480. Goes to France to oppoſe the French hoſtilities, where his health declines, 481. Loſes moſt of his French poſſeſſions, and concludes a peace, 482. His death and character, 484. How he obtained the appellation of the Black Prince, 485.

Edward, prince, ſon to Henry VI. born, iii. 198. Extraordinary adventure of, with his mother Margaret, in a foreſt, 224. Married to lady Anne, daughter to the earl of Warwic, 238. Killed, 250.

——— IV. proclaimed, iii. 212. Reflections on this event, *ib.* His character 216. Inſtance of his cruelty, 217. The parties of York and Lancaſter, how diſtinguiſhed, *ib.* Routs the Lancaſtrians at Touton, 218. His title recognized by parliament, 221. Executes divers by martial law, 223. Gets poſſeſſion of Henry VI. and impriſons him in the Tower, 225. His behavour during this interval of peace, 226. Becomes enamoured with the lady Elizabeth Grey, 227. Marries her, *ib.* Diſguſts the earl of Warwic, 228; who makes a party againſt him, 229. Makes an alliance with Charles duke of Burgundy, 231. Beſtows his ſiſter on him, 232. Leagues alſo with the duke of Britanny, *ib.* Inſurrection in Yorkſhire, *ib.* Confuſion in this period of the Engliſh hiſtory, 234. Quells an inſurrection in Lincolnſhire, 235. Secretly gains over Clarence from Warwic's intereſt, 238. Marches againſt Warwic's army, 241. Chaſed from his own camp by the treachery of the Marquis of Montacute, *ib.* Flies to Holland, 242. Aſſiſted by the duke of Burgundy, he lands in Yorkſhire, and puſhes for London, 246. Enters London, and gets poſſeſſion of Henry VI. 247. Defeats Warwic at Barnet, 249. Defeats queen Margaret's army at Teukſbury, 250. Reſigns himſelf to gaiety on the return of peace, 252. Projects an invaſion of France, *ib.* Invades France, 253. Lewis agrees to buy peace by a tribute, 255. Interview with Lewis, *ib.* Obſtructs the duke of Clarence's marriage with the heireſs of Burgundy, 260. Procures his trial and execution, 262. Contracts marriage for all his children, without effect, 264. His death, character, and family, 265. Reflections on the ſtate of the court at this period, 266. Leaves his brother the duke of Glouceſter regent, during the minority of his ſon, 267. His legitimacy denied by the duke of Glouceſter, 277.

——— V. State of parties at his acceſſion, iii. 266. The duke of Glouceſter left regent during his minority, 267. His perſon intruſted to the earl of Rivers, 268. His guardian arreſted by the duke of Glouceſter 270. Is murdered in the Tower with his brother the duke of York, by order of Richard III. 280. Their bodies found in the reign of Charles II. 281.

———, prince, ſon of Henry VIII. born, iv. 176. His mother, queen Jane Seymour, dies, *ib.* Is contracted to Mary, the infant queen of Scotland, 233. His father Henry VIII. dies, 265.

——— VI. his acceſſion, iv. 281. Names of the regency during his minority, *ib.* The earl of Hertford choſen protector, and made duke of Somerſet, 283. Somerſet obtains a confirmation of his authority by patent, 286. Diſcovers a propenſity to literature, 288. His reluctance at ſigning the warrant for the execution of Joan Bocher, 324. Is removed to Windſor-caſtle by the protector, 337. Is addreſſed by the

council to diſmiſs Somerſet, which he complies with, 338. A new council of regency formed, 339. His grief at his ſiſter the lady Mary's obſtinacy in the catholic faith, 347. Is induced by Northumberland, to write circular letters to the ſheriffs for chuſing a new parliament, 358. Subſidies granted him by parliament, 359. Amount of the crown debts at this time, *ib.* His health declines, 360. 362. Orders the judges to prepare a deed of ſettlement for the ſucceſſion of lady Jane Gray, *ib.* Signs the patent for her ſucceſſion, 364. His phyſicians diſmiſſed, and his cure intruſted to an old woman, *ib.* Dies, 365. His character, *ib.*

Edwin, ſucceſſor to Adelfrid, king of Northumberland, his wiſe government, i. 42. His ſingular eſcape from aſſaſſination, *ib.* Converted to chriſtianity, 43. Slain in the battle by Penda king of Mercia, 44. His kingdom divided, and his family extinguiſhed, *ib.*

——— and *Morcar*. See *Morcar*.

Edwy, ſucceſſor to Edred, king of England, his perſonal character, i. 114. His ſubjects revolt at the inſtigation of the clergy, 116.

Effingham, lord, is ſent with a ſquadron to Spain, to convoy Philip to England, but is afraid of his ſeamen, iv. 397. Is one of queen Elizabeth's ambaſſadors at the treaty of Cateau Cambreſis, v. 17.

———, lord Howard of, commands the Engliſh navy deſtined to oppoſe the Spaniſh invincible armada, v. 335. Is attacked by the armada, under the duke of Medina Sidonia, 342. Attacks and diſconcerts the armada at Calais, 343. Takes command of the fleet ſent againſt Cadiz, 379. Cadiz taken and plundered, 380. Is created earl of Nottingham, 381. See *Nottingham*.

Egbert, ſon of Ercombert, king of Kent, his cruel ſcheme to ſecure the ſucceſſion to his ſon, i. 39.

———, king of Weſſex, his deſcent, i. 56. 56. Takes refuge, and improves himſelf in the court of Charlemagne, 58. Recalled to enjoy the ſucceſſion, 57. State of Weſſex at his acceſſion, 58. Defeats the Mercians, *ib.* Conquers Kent and Eſſex, 59. The Eaſt Angles put themſelves under his protection, *ib.* Conquers Mercia, *ib.* Northumberland, *ib.* Unites the heptarchy under his government, *ib.* 66.

Egmont, count, the Spaniſh general, defeats De Thermes, the French governor of Calais, in Flanders, by the accidental aſſiſtance of an Engliſh ſquadron then on the coaſt, iv. 444. Is put to death by the duke d'Alva, v. 194.

Eland, Sir William, governor of Nottingham caſtle, betrays Roger Mortimer into the hands of Edward III. ii. 379.

Elbeuf, marquis of, accompanies queen Mary in her return to Scotland, v. 45. Is concerned in a riot at the houſe of Aliſon Craig, which the church takes cognizance of, 52.

Eleanor, daughter of William duke of Guienne, why divorced from Lewis VII. of France, i. 367. Married to prince Henry, ſon of Stephen, king of England, 368. Inſtigates her ſons to revolt againſt their father, 436. Attempts to eſcape to France, and is confined by her huſband, *ib.* Obtains her hereditary dominions from her huſband, 455. Is releaſed and made regent by her ſon Richard I. until his arrival in England, ii. 2.

Carries

Carries Barengaria, her ſon's intended bride, to him at Meſſina, and returns, 12. Writes to the pope on Richard's being impriſoned in Germany, 23. Arrives in Germany with the ſtipulated ranſom, and releaſes him, 28. Her averſion to Conſtantia, mother of Arthur duke of Britanny, 40.

Eleanor, daughter of the count of Provence, married to Henry III. of England, ii. 163. The bounties beſtowed on her relations, *ib.* The populace of London inſult her, 199. Prepares a force abroad, to reſtore her huſband from the tyranny of Leiceſter, which is diſperſed by bad winds, 209. Dies, 257.

Elections to parliament, review of the laws relating to, during the reign of Henry VI. iii. 213. How regulated under the protectorate of Oliver Cromwell, vii. 238.

Elfleda, a waiting-maid, how ſhe became miſtreſs to king Edgar, i. 122.

Elfrida, the daughter of Olgar earl of Devonſhire, treacherouſly obtained in marriage by Athelwold, favourite to king Edgar, i. 124. Eſpouſed by Edgar, 125. Cauſes her ſon-in-law king Edward the martyr to be killed, 129.

Elgiva, wife to Edwy, king of England, ſhockingly murdered by the clergy, i. 116. Other repreſentations of this ſtory, 473.

Elizabth, daughter of Henry VIII. and Anne Boleyn, born, iv. 113. Is created princeſs of Wales, *ib.* Treaty entered into by her father for marrying her to the duke of Angouleme, 141. Her mother beheaded, 161. Is illegitimated by parliament, 163. Is reſtored to her right of ſucceſſion by parliament, 242. Is addreſſed by the lord Seymour, 315. Raiſes a body of horſe to ſupport her ſiſter Mary, againſt the lady Jane Gray, 372. Cauſe of her ſiſter's firſt declared animoſity to her, 380. Is confined by her ſiſter under colour of Wiat's inſurrection, 390. Is releaſed by the mediation of Philip, 402. Owes this protection to his policy, *ib.* Retires into the country, and devotes herſelf to ſtudy, 442. Her prudence on the propoſal of marriage made by the king of Sweden, *ib.* Her caution with regard to religion, 443. Her ſiſter Mary dies, 445. Great joy manifeſted both by parliament and people at her acceſſion, v. 2. Her behaviour on arriving at the Tower, *ib.* Receives all the biſhops kindly, excepting Bonner, 3. Notifies her election to foreign courts, *ib.* Her motives for declining Philip's offers of marriage, 4. Notifies her acceſſion to the pope, and his expreſſions on the occaſion, *ib.* Recals her ambaſſador from Rome, 5. Forms her council, *ib.* Makes Cecil ſecretary of ſtate, *ib.* Is adviſed by Cecil to reſtore the proteſtant religion, *ib.* Her caution in this matter, 7. Prohibits all preaching without licence, to ſuppreſs the violent attacks of catholics and reformers on each other, *ib.* Prohibits the elevation of the hoſte, 7. The biſhops diſguſted, 8. Is crowned, *ib.* Her popular behaviour, *ib.* Her title recognized by the new parliament, 9. Is declared governeſs of the church by parliament, 10. The powers conferred under this title, *ib.* All Edward's ſtatutes concerning religion confirmed, *ib.* The maſs aboliſhed, and liturgy reſtored, 12. Grants voted to her by the commons, 13. Her anſwer to the addreſs of the commons to fix on the choice of a huſband, *ib.* Her addreſs in conciliating

ciliating the catholics to the reformed religion, 15. Rejects the propoſal of Philip, for her adhering to the Spaniſh alliance againſt France, 16. Her treaty with Henry, reſpecting the reſtitution of Calais, 17. Henry ſolicits her excommunication at the court of Rome, 19. Mary, queen of Scotland, and her huſband the Dauphin, aſſume the arms and title of England, *ib.* The riſe of her violent jealouſy againſt Mary, 20. Receives a deputation from the proteſtant malcontents in Scotland for aſſiſtance, and is perſuaded by Cecil to grant it, 33. Sends a fleet and army to Scotland, 35. Concludes a treaty with the aſſociation called the *Congregation of the Lord*, *ib.* Treaty of Edinburgh, 36. Review of her conduct in this affair, 37. Receives a ſecond deputation from the Scots reformers, with thanks, and deſire of farther aid, 39. Applies to Mary, queen of Scots, for a ratification of the treaty of Edinburgh, and a renunciation of her pretenſions to the Engliſh crown, which ſhe refuſes, 42. Denies Mary a paſſage through England, on her return to Scotland, *ib.* Mary's ſpirited reply on the occaſion, *ib.* Equips a fleet with a ſuppoſed deſign of intercepting Mary, who eſcapes it, 45. Her reply to Mary's requeſt of being declared ſucceſſor to the Engliſh crown, 56. Is apparently reconciled to her, 59. Her prudent adminiſtration, *ib.* Divers propoſals of marriage made to her, 60. Gives a gentle refuſal to them all, 61. Her averſion to the idea of a ſucceſſor, *ib.* Cruelly perſecutes the earl of Hertford and his lady from this motive, 62. Pardons Arthur Pole and others, convicted of a conſpiracy, *ib.* Philip of Spain begins to manifeſt his enmity to her, 68. Enters into a treaty with the prince of Condé, and has Havre de Grace put into her hands, 71. Aſſiſts the French proteſtants, after the battle of Dreux, 73. Falls dangerouſly ill of the ſmall-pox, *ib.* Is addreſſed by the commons to marry, *ib.* Her reflections on this ſubject, 74. Her replies, 75. Supplies granted her by parliament and convocation, 77. Her manifeſto on taking poſſeſſion of Havre de Grace, *ib.* Is neglected in the treaty between Condé and the French court, and reſolves to retain Havre, 79. Havre taken, and the plague brought into England by the garriſon, 80. Makes a reſignation of her claim to Calais, *ib.* Maintains an amicable correſpondence with Mary, but declines an interview, 81. Her addreſs in preventing Mary from contracting a foreign alliance by marriage, 82. Propoſes the earl of Leiceſter to her, *ib.* Her duplicity in this propoſal, 83. Expoſes her weakneſs and rivalſhip in her converſation with Melvil the Scots ambaſſador, 84. Favours the marriage of Mary with lord Darnly, 86. Her duplicity again manifeſted in this inſtance, 87. Encourages the Scots malcontents to riſe againſt Mary, 90. Diſavows any connexion with them on the failure of the enterprize, 91. Her behaviour on receiving news of the birth of prince James of Scotland, 100. Promiſes the commons to marry, and gives her reaſons againſt naming a ſucceſſor, 102. Prohibits their debates on this ſubject, *ib.* Revokes her prohibition, 103. Her ſpeech at diſſolving the parliament, *ib.* Remonſtrates with Mary againſt her marriage with Bothwel, 115. Sends Throgmorton ambaſſador to Scotland, on the captivity of Mary, 121. The tenor of his commiſſion, *ib.* Sends Mary offers of aſſiſtance on her eſcape

eſcape from Lochleven-caſtle, 127. Mary, after being defeated by Murray, takes refuge in England, and deſires her protection, 128. Cecil's advice to her on this occaſion, 129. Requires Mary to clear herſelf from the murder of her huſband, 132. Requires Murray to juſtify his conduct towards Mary, *ib.* Appoints commiſſioners for hearing the cauſe at York, 134. Queries propoſed to her by Murray, 138. Transfers the conferences to Hampton-court, and appoints additional commiſſioners, 139. Her anſwer to Murray's queries, *ib.* Lays the reſult of the conference before her privy-council, 143. Her reply to the Scots commiſſioners, 144. Diſmiſſes Murray with a preſent for his expences, 145. Detains the duke of Chatelraut till Murray's departure, *ib.* Still refuſes to acknowledge the young king, 146. Mary refuſes all conceſſions, *ib.* Renews her demand for the reſtitution of Calais, 147. The chancellor L'Hoſpital's pleas to elude the demand, *ib.* Enters into a fruitleſs negociation for marriage with the archduke Charles, 148. Inſtances of her reluctance in the work of church-reformation, 152, Is attached to the doctrine of the real preſence, 153, *note.* Endeavours to depreſs the puritans, 155. Her great regard and attachment to Cecil, 158. Gives the duke of Norfolk hints of her knowledge of his negociations in order to a marriage with Mary queen of Scots, 160. Norfolk committed to the Tower, 162. Mary removed to Coventry, and more ſtrictly guarded, *ib.* The earls of Northumberland and Weſtmorland raiſe an inſurrection in the north, 163. Releaſes Norfolk on promiſe of relinquiſhing thoughts of Mary, 165. Amuſes Mary with negociations, *ib.* Her propoſals to Murray in her behalf, 166. Sends Suſſex with forces to Scotland, to check the progreſs of Mary's party, 168. Deſires the Scots, on Murray's death, not to elect another regent, *ib.* Her ambiguous conduct to balance the factions in Scotland, 169. Sends terms of a treaty to Mary, who agrees to them, 170. Her meaſures to fruſtrate this treaty, 171. Commiſſioners ſent by the Scots parliament to treat with her, *ib.* Is diſguſted with their republican principles, *ib.* Diſmiſſes them without concluding any thing, 172. Is excommunicated by pope Pius V. *ib.* Summons a parliament after five years interval, 173. Prohibits them from meddling with affairs of ſtate, *ib.* Summons Strickland a commoner before the council, for introducing a bill for amending the liturgy, 175. Prohibits him from attending the houſe, *ib.* Yelverton's ſpeech in the houſe on that occaſion, *ib.* Reſtores Strickland to his ſeat, 177. Employs the houſe of lords to check the commons in debating of religious reformation, *ib.* Bell, a commoner, ſeverely reprimanded by the council, for a motion againſt an excluſive patent granted to a trading company at Briſtol, 180. Orders the lord keeper Bacon, to reprove the commons at the cloſe of the ſeſſion for their freedom, 181. Remarks on her notion of the proper objects of parliamentary concern, *ib.* Her frugality and ſchemes to avoid aſking ſupplies of parliament, 184. Aſſiſts the queen of Navarre with money, and allows men to be raiſed for the aſſiſtance of the French proteſtants, 187. Receives propoſals of marriage with the duke of Anjou, 189. Protects the Flemiſh refugees, 194. Seizes ſome money intended for the duke of Alva, *ib.* Diſcovers

covers Norfolk's conſpiracy, who is tried and executed, 199. Remonſtrates with Mary, concerning her conduct, 200. Reduces Mary's party in Scotland, 203. Concludes a defenſive alliance with France, 204. Her reception of Fenelon, the French ambaſſador, ordered to excuſe the maſſacre of Paris to her, 206. Her prudent reflection and conduct on this occaſion, 208. Aſſiſts the German levies for the ſervice of the Hugonots, 213. Is obliged to deny giving farther countenance to the Flemiſh exiles, 214. Receives an embaſſy from the revolted Hollanders to implore aſſiſtance, 218. Sends Sir Henry Cobham to intercede with Philip in their behalf, 219. Concludes a treaty with the prince of Orange, and agrees to aſſiſt him againſt the Spaniards, 220. Her repreſentations to Philip on the occaſion, 221. A view of her ſituation at this time, 222. Renders the confinement of Mary ſtricter, *ib.* Her lenity in religious matters, *ib.* Her watchful regard over the puritans, 223. Her frugality and punctuality in paying loans, 224. Is petitioned by parliament for church reformation, 228. Interpoſes with the Scots adminiſtration, in favour of the earl of Morton, 232. Ireland invaded by the Spaniards, 233. Her diſpleaſure at the cruelty exerciſed in reducing them, 234. Countenances the depredations of Francis Drake, and knights him, 235. Obtains ſupplies from parliament, *ib.* Reprimands the commons for appointing a faſt, 236. Her great attachment to Simier, the duke of Anjou's agent, 239. Is informed by him of Leiceſter's marriage, 240. Receives a private viſit from the duke of Anjou, *ib.* Orders a contract of marriage to be prepared between her and Anjou, 241. Receives a ſplendid embaſſy from France on the occaſion, *ib.* Sends Walſingham ambaſſador to Paris, 242. The ſtrange fluctuations of her conduct on this affair, *ib.* The duke of Anjou comes over to England, 243. Gives him a ring from her own finger, 244. Is diſſuaded from this marriage, particularly by Sir Philip Sidney, 245. Rejects the duke of Anjou, 247. Sends an embaſſy to Scotland, on James being taken from the power of Lenox and Arran, 249. Receives a pathetic letter from Mary, 250. Her reflections on this letter, 252. Opens a negociation in Scotland for Mary's liberty, 254. Reproaches James with inconſtancy, 255. Sends Walſingham to Scotland, to diſcover the character of James, *ib.* Procures a change in the Scots miniſtry, 256. Artifices practiſed by her miniſtry to detect conſpiracies, 257. An aſſociation formed to protect her againſt all violence, 258. Calls a parliament, 259. Receives ſupplies from it, 260. Eſtabliſhes the court of eccleſiaſtical commiſſion, 262. Her ſpeech to parliament, on the applications made for farther reformation, 264. Enlarges the powers of the eccleſiaſtical court, 265. Conſpiracies formed againſt her life, *ib.* Concludes another league with the States, and takes poſſeſſion of the towns aſſigned her for ſecurity, 271. Sends Sir Francis Drake againſt the Spaniſh Weſt Indies, 274. Her motives in ſending Dr. Wotton ambaſſador to Scotland, 277. Concludes a league with James for their mutual defence, 279. Appoints a commiſſion for the trial of Mary queen of Scots, 291. Calls a parliament on Mary's condemnation, 300. Appears unwilling to carry Mary's ſentence into execution, 301. Mary's laſt letter to her, 303. The duplicity

duplicity of her conduct, in regard to Mary, 307. Her behaviour on the execution of Mary, 320. Her letter to James, 321. Recals Leiceſter from Holland, 329. Prepares for defence againſt the Spaniſh invincible armada, 334. Her vigilance and prudence, 336. Her lenity toward her catholic ſubjects at this time, 337. Viſits the camp at Tilbury, 338. Receives ſupplies from parliament, on the deſtruction of the armada, 345. Prohibits the commons from meddling with eccleſiaſtical affairs, 346. Checks their intended regulations of purveyance, 347. Retains great jealouſy of James of Scotland, 351. Endeavours to prevent James from marrying, 352. Aſſiſts Henry of Navarre againſt the king of France, 355. Sends him men and money on his acceſſion to the crown of France, 357. Sends him farther aſſiſtance by treaty, 359. 361. Calls a parliament, 363. Her haughty reply to the uſual requeſts of the ſpeaker of the commons, *ib.* Sends ſeveral members to priſon, for reviving the queſtion about the ſucceſſion, 364. Her injunctions to the ſpeaker, on Morris's motion againſt eccleſiaſtical abuſes of power, 365. Her ſpeech to parliament, 367. Her advice and conduct to James of Scotland, on the diſcovery of a conſpiracy againſt him, 371. Her phyſician receives a bribe from the Spaniſh miniſters to poiſon her, and is executed for it, 373. Concludes a new treaty with the United Provinces, 375. Fits out an armament which takes and plunders Cadiz, 379. Makes Eſſex earl marſhal of England, 384. Calls a parliament, 385. Her pleas for a ſupply, *ib.* Obtains a grant, *ib.* Gives Eſſex a box on the ear, 391. Concludes a new treaty with the States, 393. Sends Eſſex lord lieutenant to Ireland, 404. Orders Eſſex to diſplace the earl of Southampton, 405. Is diſpleaſed with his conduct, 409. Her behaviour to him on his unexpected journey to court, 410. Her ſorrow on his illneſs, 411. Sends lord Mountjoy to Ireland, in the room of Eſſex, 413. Cauſes Eſſex to be examined before the privy council, 414. Refuſes to renew his patent for the monopoly of ſweet wines, 418. Is informed that Eſſex ridicules her perſon and age, 420. Is informed of Eſſex's rebellious ſchemes, 425. Her irreſolution with regard to the execution of Eſſex, 429. Conſents to his death, 430. Meditates a new ſyſtem of policy for Europe, in conjunction with Henry IV. of France, 433. Is induced to pay her ſoldiers in Ireland with baſe money, 435. Her enormous grants of monopolies, 439. Is induced to reſtrain them, 441. The abject acknowledgements of the houſe of commons, on her promiſe to cancel the moſt oppreſſive of the patents, *ib.* Falls into a profound melancholy, 445. Inquiry into the cauſe, *ib.* The counteſs of Nottingham confeſſes her treachery to Eſſex, 446. Her unconquerable grief on this occaſion, *ib.* Dies, 447. Her character, 448. Review of her adminiſtration, 451. Her arbitrary exertion of her prerogatives, 452. Star-chamber, 453. Court of high commiſſion, 454. Martial law, 455. Orders vagabonds to be puniſhed by martial law, 456. Her indignation againſt Hayward, an author, averted by the pleaſantry of Bacon, 457. Her method of oppreſſing turbulent ſubjects, 459. Her arbitrary exaction of loans, 460. Victualled her navy by means of her prerogative of purveyance, 461. Her arbitrary uſe of embargoes, 462. Diſallowed the legiſlative power of parliament, *ib.* Her tyrannical proclamations, 463. Oppreſſive and cruel acts of power by

by her and her miniſtry, 464. Bad ſtate of morals, and remiſs execution of juſtice during her reign, 469. Her revenues, 472. She threatens to deprive the biſhop of Ely of his ſee for not fulfilling an engagement concerning the exchange of ſome land, *ib. note.* Her curious letter to him on that ſubject, *ib.* The true reaſon of her parſimony, *ib.* Debts owing to her by foreign princes, 473. Her extraordinary charges, and preſents to Eſſex, 474. Amount of the ſupplies ſhe received from parliament, *ib.* Her credit eſtabliſhed in the city of London, 476. Her commercial regulations, 477. Her improvement of the navy, 480. Her oſtentation in dreſs, 488. Her extraordinary learning, 490. Reports to her prejudice, which were communicated to her by Mary queen of Scots, 506. Her ſpeech in the camp at Tilbury, 516. Remarks on her partiality to the earl of Leiceſter, 517. The gallant ſtyle in which her courtiers uſed to addreſs her, and ſpeak of her, 526. Harriſon's account of her navy, 533.

Elizabeth, princeſs, daughter of James I. is married to Frederic, elector palatine, vi. 63.

———, princeſs, daughter of Charles I. his charge to her, before his execution, vii. 142. Dies of grief, 151.

Elliot, Sir John, reads a remonſtrance framed by him, in the houſe of commons, againſt tonnage and poundage, vi. 275. His ſentence by the court of king's-bench, 276. Dies, 277.

Elſton, friar, interrupts Dr. Corren, preaching before Henry VIII. and juſtifies friar Peyto's abuſe of the king, iv. 134. Is cenſured by the council for it, *ib.*

Ely, Longchamp biſhop of, appointed joint guardian of the realm, with the biſhop of Durham, by Richard I. during his abſence on the cruſade, ii. 6. His character and preferments, 7. Arreſts his coadjutor the biſhop of Durham, and extorts a reſignation of the earldom of Northumberland from him, 16. His oſtentatious aſſumption of the ſole adminiſtration of government, *ib.* Forced to fly beyond ſea, by prince John, 17. Intrigues with Philip of France, *ib.*

Embargoes, the arbitrary miniſter uſe of, by queen Elizabeth, v. 462.

Emma, ſiſter of Richard duke of Normandy, married to Ethelred king of England, i. 135. Ethelred dies, 146. Marries Canute his ſucceſſor, 150. Flies to Flanders, 155. Confined to the monaſtery of Wincheſter, by Edward the confeſſor, 161.

Empſon, a lawyer, and the inſtrument of the oppreſſions exerciſed by Henry VII. his character, iii. 387. His mode of practice, *ib.* Extract from his private Memorandums, 396, *note.* Summoned before the privy council of Henry VIII. 411. His ſhrewd apology for his conduct, *ib.* Committed to the Tower, 412. Tried, *ib.* Executed to pleaſe the people, *ib.*

England; ſee *Britain*, and the ſeveral kingdoms which compoſed the Saxon heptarchy. See alſo its princes under their reſpective names. When united into one kingdom, i. 59. 66. Divided into ſhires, &c. 92. Pays tribute to the Danes, 133. Conquered by the Normans, 193. Review of the Saxon government in, 197. Brief ſtate of, at the acceſſion of Henry II. 373. Review of, at his death, 464. The operation of the interdict it was laid under on account of king John's oppoſition

ſition to pope Innocent III. ii. 62. The executive and judicial powers, where lodged under the Anglo-Norman government, 121. A general view of its ſituation at the time of Henry III. 193. The bad internal police at that time, 227. Intentions even then formed for ſhaking off the papal yoke, 229. The firſt beginnings of popular government in, 272. The ſource of the long antipathy between the natives of, and thoſe of France, 397. A great plague in, 448. The popular ſentiments of papal power over, in the reign of Edward III. 493. State of its exports and imports in the year 1354, 495 An inquiry into the nature of the homage paid to the kings of, by thoſe of Scotland, 501. Why generally ſucceſsful in its conteſts with France, iii. 98. Reflections on the antient hiſtorians of, 296. Extenſion of the regal authority by Henry VII. 306. An inquiry how far the diſpoſition of the people co-operated with the deſigns of Henry VIII. in renouncing all ſubjection to the church of Rome, iv. 125. The leſſer monaſteries ſuppreſſed, 150. The authority of the biſhop of Rome totally renounced by parliament, 164. Articles of faith framed by the convocation, 166. The reformation promoted by the acceſſion of Edward VI. 287. Battle of Pinkey, 303. Grievances of the people at the infancy of the reformation, 326. Inſurrections, 329. Articles of marriage between queen Mary and Philip of Spain, 387. Reflections of the people on this match, *ib.* Cruel perſecution of reformers, 411. 430. Is engaged by Philip in his war with France, 432. Calais taken by the duke of Guiſe, 435. Death of queen Mary, 446. State of the navy during her reign, 448. Laws reſpecting trade, *ib.* An embaſſy ſent by the Czar of Muſcovy, 449. The mean naſty manner of living among the Engliſh at this time, 450. Great alteration in this reſpect, 462. Acceſſion of queen Elizabeth, v. 1. The proteſtant religion reſtored, 10. Peace of Cateau Cambreſis, 17. The plague brought over from Havre de Grace, by the earl of Warwic, 80. Uſeful manufactures introduced by the Flemiſh refugees, 194. A treaty concluded by Elizabeth with the revolted Hollanders, 220. A voyage round the world, performed by Sir Francis Drake, 234. Seminaries founded abroad for the education of Engliſh catholics, 236. Eſtabliſhment of the court of eccleſiaſtical commiſſion, 262. Preparations for reſiſting the Spaniſh invincible armada, 334. The armada deſtroyed, 343. Enormous grants of monopolies by Elizabeth, 439. Death of queen Elizabeth, 447. Review of the ſtate of, during her reign, 451. Compared with the Turkiſh government, 459. Bad ſtate of morals, and remiſs excution of juſtice during her reign, 469. Firſt eſtabliſhment of the Eaſt-India company, 477. An excluſive patent granted by John Baſilides, Czar of Muſcovy, of the whole trade with that country, to the Engliſh, 478. This privilege taken away by the Czar Theodore, *ib.* Commencement of the trade with Turkey, 479. State of the navy in this reign, 480. Number of the people, 482. The firſt law for the relief of the poor, when paſſed, 484. The current ſpecie in, at the end of queen Elizabeth's reign, 485. Review of manners at this time, *ib.* State of literature, 490. Acceſſion of James VI. of Scotland to the crown, vi. 1. Great alteration obſervable in, at this time, by the progreſs of letters, and improve-

improvement in arts, 21. Almoſt all the foreign trade of, monopoliſed by excluſive companies, 23. Peace concluded with Spain, 27. The hoſtile laws reſpecting Scotland aboliſhed, 41. Crown and people, how affected by the diſcovery of the Weſt-Indies, 47. Death of James I. 153. Miſcellaneous remarks on this period of hiſtory, 157. Colonies eſtabliſhed in America, 186. Characters of its early writers, on the revival of learning, 190. Peace concluded with France and Spain, 279. The preſent happy ſtate of its foreign affairs, *ib.* The long parliament ſummoned, 365. Reflections on the commencement of the civil war, 485. State of parties when the king erected his ſtandard at Nottingham, 494. Battle of Edge-hill, 506. Briſtol taken by prince Rupert, 523. Battle of Newbury, 534. Battle of Marſton-moor, vii. 11. Second battle of Newbury, 17. Meeting of the aſſembly of divines at Weſtminſter, 32. Battle of Naſeby, 57. Briſtol taken, and prince Rupert diſmiſſed, 61. The preſbyterian diſcipline eſtabliſhed by parliament, 69. Trial of the king, 136. Execution of Charles I. 143. Confuſed ſtate of the nation after this event, 156. Battle of Worceſter, 196. Confuſed ſtate of religion, 202. Its foreign exertions at this time, 203. See *Commonwealth* of England. Engagement between Blake and Tromp, the Dutch admiral, 212. War commenced with the States, 213. See *Blake*, *Aſcue*, *Pen*, &c. The advantages now gained at ſea owing to the ſhip-money levied by Charles, 216. The long parliament terminated by Cromwel, 219. State of parties at this time, 226. A new parliament ſummoned by Cromwel, 227. Cromwel choſen protector, 232. See *Protectorate*. Peace with the Dutch, 236. Is divided into twelve military juriſdictions, under ſo many major-generals, 244. Tunis bombarded by Blake, 254. Jamaica taken by Pen and Venables, *ib.* The foreign and domeſtic adminiſtration of Cromwel, 258. Death of Oliver Cromwel, 286. Acceſſion of Richard Cromwel, 293. He reſigns, 297. The long parliament reſtored, 298. The parliament expelled by the army, and a committee of ſafety appointed, 303. State of foreign affairs, 304. The long parliament again reſtored, 313. The long parliament diſſolved, 320. Charles II. proclaimed, 328. A review of internal circumſtances at this period, 330. Dunkirk ſold to the French, 386. Motives which produced the Dutch war, 397. New-York taken, 399. Alteration in the method of taxing the clergy, 401. War declared againſt the States, 402. Great plague of London, 408. Fire of London, 415. Peace of Breda, 422. Triple alliance, 435. Treaty of Aix-la-Chapelle, 437. Charles contracts a private league with Louis XIV. 464. War with Holland, 479. Peace with Holland, 513. The princeſs Mary married to the prince of Orange, viii. 35. The popiſh plot, 63. A *quo warranto* iſſued againſt the city of London, 178. Conditions on which the charter was reſtored, 181. Moſt of the corporations ſurrender their charters, *ib.* Death of Charles II. and acceſſion of his brother James II. 209. The duke of Monmouth defeated at Sedgmoor, 229. The court of high commiſſion revived by James, 254. Declaration of indulgences publiſhed, 256. A ſolemn embaſſy to Rome, 261. Caſe of Magdalen-college, 265. The Engliſh make applications to the prince of Orange, 282. The prince

prince of Orange's preparations, 285. His declaration published, 290. Lands at Torbay, 294. The king deserts his kingdom, and embarks for France. 305. The convention-parliament called, 308. State of parties at this critical time, 310. The crown settled on the prince and princess of Orange, 319. Reflections on this revolution, *ib.* Remarks on the administration of the Stuart family, while they enjoyed the government, 320. State of finances since the restoration, 324. State of the navy, between the restoration and revolution, 325. State of commerce, 328. Great increase of wealth, 329. State of manners, 331. Royal society instituted, 332. Account of learned men at this period, 333.

Entails, a statute passed by Edward I. to allow, ii. 321. A law of Henry VII. to empower the owners of estates to break them, iii. 400. Important effects of this statute, *ib.*

Episcopacy, is abolished in Scotland, vi. 334. Is abjured in England, vii. 32. Is restored in England, 361. Is tacitly restored in Scotland, 366.

Erasmus, his account of the mean nasty manner of living among the English, iv. 448.

Ercombert, son of Eadbald, king of Kent, his piety celebrated by Bede, i. 39.

Ermenfroy, bishop of Sion, sent by pope Alexander, as his legate, to William the Conqueror, i. 256. Summons a council at Winchester, *ib.* Degrades Stigand archbishop of Canterbury, 257.

Erne, two engagements on the banks of, between Edward Baliol and the earl of Mar, ii. 384.

Erudition of a Christian man, a treatise so called, published by Henry VIII. iv. 223. Subscription to this work enjoined by parliament, 238.

Escheats, the great advantages made of them by the Anglo-Norman kings, ii. 128.

Escus, the son of Hengist, king of Kent, his character, i. 28.

Essex, history of the Saxon kingdom of, i. 51.

———, Cromwel earl of. See *Cromwel.*

———, the young earl of, attends his father-in-law the earl of Leicester, in his expedition to the United Provinces, v. 273. Joins Sir Francis Drake secretly, in his expedition against Portugal, 350. Commands a body of forces sent to the assistance of Henry IV. of France, 360. Commands the forces sent against Cadiz, 379. Takes Cadiz by assault, and plunders it, 380. His eagerness to prosecute farther advantages, 381. Is appointed to command a second armament against Spain, 382. Is by a storm forced to alter his destination to the intercepting the Indian fleet, *ib.* Misses all but three ships, 384. Is made earl marshal of England, *ib.* Instances of his lofty spirit and rash conduct, 390. His resentment on receiving a blow from Elizabeth, 391. Solicits the government of Ireland, 403. Is sent to Ireland under the title of lord lieutenant, 404. His formidable army and extensive powers, *ib.* Disobeys the queen in promoting the earl of Southampton, 405. Is misled in his first movements by the Irish council, 406. His unsuccessful expedition into Munster, 407. His treaty with Tyrone, 408. His

ſudden journey to London, and conference with the queen, 409. Is committed to cuſtody, and falls ill, 410. Is examined before the privy council, 414. His defence, *ib.* The ſentence pronounced againſt him by the lord-keeper, 415. His patent for the monopoly of ſweet wines refuſed to be renewed by the queen, 418. His intrigues againſt the queen, 419. Indulges his ill humour in ſatirical reflections againſt her, 420. Concerts a plan for obliging the queen to declare James of Scotland her ſucceſſor, 421. Maintains a correſpondence with James, 422. Enters into a conſpiracy at Drury-houſe, 423. Is ſummoned to the council, 424. Sallies out with his friends into the city, 425. Meeting with no countenance, he returns and ſurrenders, 427. Is tried and condemned, *ib.* 428. Makes a full confeſſion to the council, 429. Is executed, 430. His character, 431. The counteſs of Nottingham's treachery towards him diſcovered, 446. Amount of the queen's gifts to him, 473. His letter on receiving the blow from Elizabeth, 524.

Eſſex, Devereux, the young earl of, marries the lady Frances Howard, vi. 67. Her obſtinate averſion to him, *ib.* The ſecret motive of his diſguſt, *ib.* Is divorced from his lady, 70. Encourages the oppoſition of the commons to Charles I. 462. Is made general of the parliament's army, 490. The ſeparate bodies of forces all aſſemble under him at Northampton, 503. A body of his forces defeated by prince Rupert, 505. Marches from Worceſter to meet the king, 506. Battle of Edge-hill, *ib.* Arrives at London, 509. Is joined by the city trained-bands, *ib.* Takes Reading, 512. Is joined by Sir William Waller, 515. His army ſurprized by prince Rupert, and Hambden killed, 521. Retires toward London, 522. Exhorts the parliament to peace, 530. Marches to the relief of Glouceſter, 531. Obliges the king to raiſe the ſiege, *ib.* Battle of Newbury, 532. Returns to London, 533. Is applied to by the royal party, but refuſes all perſonal treaty with them, vii. 5. His forces in Cornwal reduced by the king, 16. Collects his army again, and, in conjunction with Mancheſter and Cromwel, defeats the king at Newbury, 17. Reſigns his command in conſequence of the ſelf-denying ordinance, 28. Dies, 81.

——, earl of, is made treaſurer on the removal of the earl of Danby, viii. 102. Reſigns, 122, *ib.* Enters into the duke of Monmouth's conſpiracy, 182. Is apprehended, 188. His extraordinary death, 199.

Eſtates, the entailment of, allowed, ii. 321. Are admitted to be broke, iii. 400. Important conſequences of this latter law, *ib.*

Etching, the art of, by whom invented, viii. 329.

Ethelbert, aſſociated with his father Hermenric, in the Kingdom of Kent, i. 29. His wars, by which he acquired a ſuperiority in the heptarchy, *ib.* Eſpouſes a chriſtian princeſs, daughter of Caribert king of Paris, 31. His ſpeech to Auguſtine the monk on his arrival, 34. Is converted to chriſtianity, 35. Publiſhes a body of written laws, 37. Dies, 38.

Ethelburga, wife of Edwin king of Northumberland, converts her huſband to chriſtianity, i. 43.

Ethelfleda, ſiſter of king Edward the Elder, ſome account of, with her character, i. 102.

Ethelred, brother to Wolfhere, king of Mercia, his hiſtory, i. 47.

Ethelred,

Ethelbred, brother and ſucceſſor of king Edward the Martyr, haraſſed by the Danes, i. 131, 132. 141. Revenges the treachery of Alfric duke of Mercia, by putting out his ſon's eyes, 132. Becomes tributary to the Danes, 133. Marries Emma, ſiſter of Richard II. duke of Normandy, 135. Cauſes a maſſacre of the Danes, 141. His fleet deſtroyed by the Danes, 143. Conſequent diſtreſs and confuſion, *ib.* Retreats to Normandy, *ib.* Returns, 144. His death, and an account of his children, 146. 150.

Ethelwald, couſin-german to king Edward the elder, rebels againſt him, i. 90. Joins the Eaſt Anglian Danes, 100. Killed in battle, 101.

Ethelwolf, ſon of Egbert, king of England, haraſſed by the Daniſh invaſions, i. 69. Gains a victory over them at Okeley, 71. Undertakes a pilgrimage to Rome, *ib.* Marries the daughter of the emperor Charles the Bald, *ib.* Shares his kingdom with his ſon, 72. Grants to the clergy their claim of tythes, *ib.* Leaves his kingdom between his two elder ſons, 74.

Ethered, ſon of Ethelwolf, ſucceeds his brothers, Ethelbald and Ethelbert, in the kingdom of England, i. 74.

Evers, lord, conducts an inroad into Scotland, and boaſts of his progreſs, iv. 248. Is killed at the battle of Ancram, 249.

Eveſham, battle of, between prince Edward and Simon de Montfort, earl of Leiceſter, ii. 215.

Evidence, the ſtate of, under the old Anglo-Saxon law, i. 223.

Evil, Edward the Confeſſor the firſt who touched for it, i. 178.

Europe, influence of the free conſtitutions of the Germans in new-modeling the governments of, i. 197. State of, at the commencement of the cruſades, 296. State of, at the acceſſion of Henry II. 379. The balance of power in, well ſecured at the commencement of the reign of Henry VIII. iii. 415. The great revolution made in, at the commencement of the ſeventeenth century, by the diffuſion of letters and progreſs of arts, vi. 21. The liberties of the people in, how abridged, 101. Account of the revival of letters in, 190. A review of the ſtate of, at the time of the Engliſh protectorate, under Oliver Cromwell, vii. 245.

Euſtace, count of Bologne, fray between his retinue and the townſmen of Dover, i. 163. Endeavours, in conjunction with the Kentiſh-men, to ſeize the caſtle of Dover from the Normans, 242.

———, ſon of king Stephen, is refuſed to be anointed as his father's ſucceſſor, by the archbiſhop of Canterbury, i. 368.

Exchange, royal, by whom firſt built, v. 483.

Exchequer, court of, or *Curia Regis*, the primitive inſtitution of, ii. 122. Cauſes in, often heard by the king perſonally, *ib.* The firſt of the four courts of record, among which its ancient juriſdiction is now divided, 123. Appeals to, in what caſes anciently allowed, 125. Extraordinay inſtances produced from the records, of bribery, and the ſale of juſtice, 131. Black book of, its origin, 266. Divided into four diſtinct courts, 320. Shut up by Charles II. vii. 475.

Exciſe, the firſt introduction of, in England, by the long parliament, vii. 4.

Excluſion bill, againſt James duke of York, paſſed by the houſe of commons, viii. 105. Is reſumed by the new parliament, 134. The arguments urged for and againſt it, 135. Is paſſed by the commons, and rejected by the lords, 139.

Excommunication, by the eccleſiaſtical courts in Scotland, the nature of, explained, vi. 86.

Executions of criminals, the extraordinary number of, in the reign of Henry VIII. and great decreaſe of, ſince, v. 533.

Exeter, beſieged by Perkin Warbec, iii. 379. He raiſes the ſiege, 380.

———, Courtney, marquis of, enters into a conſpiracy with cardinal Pole, iv. 187. Is executed for it, *ib.*

F

FAERIE queen, of Spenſer, a character of that poem, v. 492.

Fag, a member of the houſe of commons, is protected by the houſe, againſt an appeal in a law-ſuit to the houſe of lords, viii. 14.

Fairfax, a character of his tranſlation of Taſſo, vi. 193.

———, lord, commands for the king in the north of England, vi. 513. Is defeated at Atherton-moor by the parliamentary forces, 535. Raiſes forces and ſecures York, vii. 313. His death and character, 474, *note*. His daughter married to the duke of Buckingham, *ib.*

———, Sir Thomas, defeats the royaliſts at Wakefield, vi. 535. Diſtinguiſhes himſelf in the battle of Horn-caſtle, *ib.* Reduces the Iriſh forces under lord Biron, vii. 7. Defeats colonel Bellaſis at Selby, 8. Is joined by the Scots under the earl of Leven, *ib.* Is joined by the earl of Mancheſter, and lays ſiege to York, 10. Defeats prince Rupert at Marſton-moor, 12. Takes poſſeſſion of York, 14. Is appointed general in the room of Eſſex, 28. His ſcheme to retain Cromwel in command, notwithſtanding the ſelf-denying ordinance, *ib.* His character, 29. Battle of Naſeby, 56. Defeats the king, 58. Retakes Leiceſter, 59. Reduces Bridgwater, Bath, and Sherborne, 60. Takes Briſtol, 61. Reduces the weſt of England, 62. His moderation on the finiſhing the war, 75. The army grows diſcontented, and petitions him, 85. A parliament of agitators formed by his army, 87. The king is ſeized and brought to the army without his knowledge, *ib.* Cromwel is choſen general, 90. Is appointed, by the parliament, general in chief of all the forces, 100. Takes Colcheſter, 128. The army under his nominal command, but under Cromwel's influence, marches to London to purge the parliament, 131. His lady interrupts the trial of the king, 137. How detained from reſcuing the king from execution, 145. Reſigns, 188.

Falconbridge, lord, ſucceſsful ſtratagem of, at the battle of Touton, iii. 218.

Falkirk, battle of, between Edward I. and the Scots, ii. 304.

Falkland, lord, ſecretary to Charles I. aſſiſts the king in drawing up his memorials againſt the commons, vii. 502. Is killed at the battle of Newbury, vi. 533. A ſhort ſummary of his life and character, *ib.* Is the firſt who affords any regular definition of the Engliſh conſtitution, 583.

Faminte

Famines in England, i. 142. 227. 360. ii. 127. 342. 364.
Farm-houſes, remarks on the ſtatute of Henry VII. for upholding, iii. 403.
Faſtolf, Sir John, defeats the count of Dunois, who attacked his convoy to the ſiege of Orleans, iii. 140. Retreats from the French at Patay, and is degraded from the order of the garter, 149.
Fauconberg, lord, marries a daughter of Oliver Cromwel, vii. 276. Is ſent to Louis XIV. at Dunkirk, where he is honourably received, 280.
Fawkes de Breaute, ſeizes and impriſons a judge for finding verdicts againſt his unjuſt practices in the reign of Henry III. ii. 154. His puniſhment, *ib.*
———, Gny, an officer in the Spaniſh ſervice, is brought over to execute the gunpowder-plot, vi. 32. Is apprehended, 35. Diſcovers the conſpiracy, *ib.*
Fayal is taken by Sir Walter Raleigh, v. 383.
Fee-farm rents of the crown, Charles II. empowered by parliament to ſell them, vii. 456.
Felonies. See *Criminals* and *Vagrants*.
Felton, John, is executed for fixing the pope's bull of excommunication againſt queen Elizabeth on the gate of the biſhop of London's palace, v. 172.
———, an account of his motives for attempting the life of Villiers duke of Buckingham, vi. 260. Stabs the duke at Portſmouth, 261. Is ſeized and examined, 262.
Fenelon, the French ambaſſador, declares his deteſtation of the maſſacre at Paris, v. 206. His reception by queen Elizabeth, when ordered to repreſent it to her, *ib.*
Ferdinand king of Arragon, loſes his wife Iſabella, queen of Caſtile, iii. 390. His daughter Joan married to Philip, arch-duke of Auſtria, *ib.* His character, *ib.* Obtains poſſeſſion of Caſtile by the death of Philip, 394. Agrees with Lewis XII. of France, on a ſeizure and partition of the kingdom of Naples, 414. Seizes it for himſelf, *ib.* Acquires the epithet of *Catholic*, 418. Glories in outwitting his neighbours, 419. Deludes Henry VIII. into an expedition to Guienne, to facilitate his conqueſt of Navarre, *ib.* Diſavows the alliance ſigned by his ambaſſador with Henry and Maximilian againſt France, 427. Engages in a treaty with Lewis, 451. Dies, and is ſucceeded by his grandſon Charles, iv. 12.
———, brother to the emperor Charles V. is elected king of the Romans, iv. 427. Engages in an alliance to ſubdue the Bohemians, vi. 102. Puts the elector palatine under the bann of the empire, 112.
Feudal ſyſtem, its introduction into England, i. 253. Extended to the church, 254. State of, in England, at the acceſſion of king Stephen, 349. Review of the diſorders occaſioned by, 466. Its operation in England, ii. 77. Its origin, 101. The nature of it explained, 104. The preference of poſſeſſions held under it, to allodial ones, in the early ages, ſhewn, 106. Its union with civil juriſdiction, 107. The civil ſervices implied under it, 109. State of the common people under it, 111. Comparative view of its operation on hereditary and elective

monarchies, 112. The declenſion of, at the time of Richard II. iii. 59. The advantage of, in the early ages, 299. The decay of, to be dated from the revival of the arts, 301. Inſtance of the barons being ſenſible of this, 302, *note*.

Feverſham, earl of, is ſent by Charles II. with the terms of pacification to Paris, viii. 36. Defeats the duke of Monmouth at Sedgemoor, 229. His cruelty after the battle, 231.

Fictions in law, when firſt invented, and their uſe, ii. 320.

Fiefs, how they came to deſcend hereditarily in families, ii. 105.

Fifteenths, and tenths, the nature, amount, and method of levying theſe taxes, vi. 173. Are changed into a land-tax, 175.

Finances. See *Revenues*.

Finch, Sir John, ſpeaker of the houſe of commons, is forcibly held in the chair, until a remonſtrance is paſſed againſt tonnage and poundage, vi. 275. Is impeached by the long parliament, and flies to Holland, 371.

Fines, amerciaments, and oblates, the great and ſcandalous advantages made of, by the Anglo-Norman kings, ii. 130. Arbitrarily exacted by Henry VII. iii. 365. 387.

——— and recoveries for breaking the entailments of eſtates, when firſt introduced, iii. 400.

Firſt fruits, when firſt levied on eccleſiaſtical benefices, ii. 323.

Fiſher, biſhop of Rocheſter, reflects on the commons, and offends the duke of Norfolk, iv. 96. Refuſes to take the oath regulating the ſucceſſion of the crown, 119. Is attainted by parliament, 121. Is impoſed on by the ſtories of the *holy maid of Kent*, 136. Is impriſoned on this account, 137. His cruel treatment, 138. Is created a cardinal by the pope, 139. Is condemned and beheaded for denying the king's ſupremacy, *ib*. Extract from a ſpeech of his, on the propoſal for ſuppreſſing the leſſer monaſteries, 456.

Fitton, chancellor of Ireland, his character and conduct, viii. 260.

Fitz-Alan, archbiſhop of Canterbury, excommunicates all who ſhould oppoſe the proceedings of the duke of Glouceſter, and his party, againſt Richard II.'s miniſtry, iii. 23. Is removed from his office of chancellor by the king, 24. Impeached by the commons, baniſhed, and his temporalities ſequeſtered, 31.

Fitz-Arnulf, a citizen, hanged for a rebellious commotion in London, ii. 154.

Fitz-Gerald. See *Fitz-Stephens*.

Fitz-Harris, his caſe, viii. 151. Is impeached by the commons, 153. Is tried by common law, and executed, 156.

Fitz-Oſbet, a popular lawyer in the reign of Richard I. his oppreſſive practices, ii. 36. Is executed, 37.

Fitz-Richard, mayor of London, joins the barons and Leiceſter, againſt Henry III. and encourages tumults in the city, ii. 198. Violently prolongs his authority, and aids Leiceſter by exciting ſeditions, 202. His bloody ſchemes diſconcerted by the battle of Eveſham, 217. Is puniſhed by fine and impriſonment, 218.

Fitz-Stephens, and Fitz-Gerald, engaged by Dermot, king of Leinſter, to undertake an expedition to Ireland in his favour, i. 428. Their ſucceſſes, *ib*. See *Strongbow*.

Fitz-Walter, Robert, choſen general of the barons' army, on king John's refuſal to confirm their liberties, ii. 83.

Five mile act, paſſed, vii. 408.

Flambard, Ralph, biſhop of Durham, diſpoſſeſſed and impriſoned by Henry I. i. 317.

Flammoc, Thomas, a lawyer, heads an inſurrection in Cornwall, againſt Henry VII. iii. 373. Encourages them with hopes of aſſiſtance in Kent, 374. Defeated and executed, 376.

Flanders, a ſummary view of the ſtate of that territory at the time of Edward III. forming his pretenſions to the crown of France, ii. 395. Licentious popularity of James D'Arteville the brewer, *ib.* The Flemings aſſiſt Edward in his ſea-fight with the French, 403. Their forces under Robert D'Artois, routed at St. Omers, 404. Siege of Tourney by Edward, 405. All commerce with, prohibited by Henry VII. iii. 361. Commiſſioners ſent to London to treat of an accommodation, 378. The *Intercurſus magnus*, or great treaty of commerce, concluded, *ib.* All Engliſh rebels excluded from, by this treaty, *ib.* A neutrality ſtipulated with, by Henry VIII. iv. 97. See *Netherlands* and *United Provinces*.

Fleetwood, his ſpeech in the houſe of commons on the regal prerogative in granting patents, v. 178.

———, colonel, marries Ireton's widow and obtains the government of Ireland, vii. 267. Oppoſes his father-in-law's accepting the title of king, 274. Eſtranges himſelf from the protector, 283. Cabals againſt Richard, 295. Is appointed lieutenant-general by the long parliament, now reſtored, 299. His commiſſion vacated, 303. Inſtances of his fanaticiſm, 313.

Fleſh-meat, the ſtatute prices of, in the reign of king Henry VIII. iv. 277.

Florence, revolts from the authority of the family of Medicis, iv. 83. Is again ſubdued to their ſovereignty, 98.

Flouden, battle of, between the earl of Surry and James IV. of Scotland, iii. 438.

Folkland, in the Saxon tenures, explained, i. 229.

Fontarabia, fruitleſs expedition to, by Henry VIII. iii. 419. Is taken by the emperor Charles V. iv. 52.

Fontrailles, a French officer, his gallant expedition for the relief of Terrouane, beſieged by Henry VIII. iii. 434.

Ford, lady, taken priſoner by James IV. of Sotland, whoſe affections ſhe gains, iii. 437.

Foreigners, their ſuperiority to the Engliſh in arts, in the time of Henry VIII. iv. 274. An inſurrection againſt them in London, *ib.* Edict of the Star-chamber againſt, 275.

Foreſts, ſevere laws renewed againſt offenders in, by Richard I. ii. 36. The oppreſſive nature of theſe laws, 136. A charter of, granted by Henry III. 147. Confirmed by Edward I. 292, 293. The perambulations of, made, and the boundaries of, fixed, 293.

Forma pauperis, ſuits in, firſt granted to the poor, iii. 398.

Foreſt, friar, burnt for hereſy in Scotland, iv. 215.

Forteſcue, Sir Faithful, deſerts from the earl of Eſſex to the king, at the battle of Edge-hill, vi. 506.

Fortheringay caſtle, Mary queen of Scots tried there, v. 294. Is executed there, 319.

Fourmigni, battle of, the only action fought in defence of Normandy by the Engliſh, iii. 177.

Fox, Richard, his character, iii. 319. Becomes confident to Henry VII. *ib.* Called to the privy-council, and made biſhop of Exeter, 220. His tranſlation to Wincheſter, and made privy ſeal, *ib.* Admoniſhes Henry VIII. againſt his pleaſures and extravagances, 410. Introduces Wolſey to him, 428. Supplanted in Henry's confidence by him, *ib.* His advice to Henry, on his retiring, iv. 4.

——, biſhop of Hertford, is ſent by Henry VIII. to treat with the German proteſtants, iv. 142. Is zealous for a thorough reformation, but dies, 189.

——, George, his enthuſiaſtic diſpoſition, vii. 333. Founds a new ſect, who are denominated Quakers, *ib.*

France, is invaded by the Normans, i. 67. 137. Rollo the Dane obtains the province of Neuſtria, and marries the daughter of Charles the Simple, 138. Character of the Normans, 182. 316. See *Normandy* and *William*. State of, at the acceſſion of Henry II. of England, 371. The barons of England offer the crown to the dauphin Lewis, ii. 94. Lewis goes over to England with an army, 95. Returns, 151. The province of Normandy ceded to Lewis IX. by Henry III. of England, 190. Mutual depredations committed by the ſhips of, and thoſe of England, occaſioned by a private quarrel, 260. The province of Guienne how recovered by, 263. Guienne reſtored, 297. New diſputes with England concerning, 350. Cruel treatment of the Knights Templars there, 362. An enquiry into the foundation of the Salic law, 389. Edward III. of England aſſumes the title of king of, 397. Edward's victory of the fleet of, 403. Normandy invaded and overrun by Edward, 426. Philip defeated at Crecy, by Edward, 433. State of France at the death of Philip, 449. Is invaded by Edward, and his ſon the Black Prince, in two parts, 452. John taken priſoner at Poictiers by prince Edward, 458. Confuſed ſtate of, on the king's captivity, 461. The populace renounce all government, and commit cruel outrages againſt the nobles, 463. Is invaded by Edward with a great army, 466. Peace of Bretigni, 469. John releaſed, 470. He returns to London, and dies, 471. State of the kingdom at this period, 472. Is infeſted with bands of robbers, the remains of Edward's army, 473. The regency of Charles VI. ſend aſſiſtance to the Scots, to invade England, iii. 12. The French return home diſguſted, 13. Prepare to invade England, but hindered by a ſtorm, *ib.* Motives to this invaſion, *ib.* State of, at the commencement of Henry V.'s war with that kingdom, 92. Compariſon between the ſituation of Charles VI. and Richard II. of England, *ib.* Diſtracted by the contentions of the Burgundians and Armagnacs, 94. The ſhare the univerſity of Paris, the fraternities of butchers and carpenters, bore in theſe broils, 95. Continuation of the diſtractions in, 104. General confuſion renewed by the

the aſſaſſination of the duke of Burgundy, 109. Treaty of Troye, 110. Reflections on this treaty, 111. Duke of Bedford appointed regent, 116. Charles VI. dies, and Charles VII. crowned, 118. State of France at the acceſſion of Henry VI. of England, 124. Amazing tranſactions of Joan D'Arc, 142. Charles VII. crowned again at Rheims, 151. Reflections on the management of the war, 165. A truce concluded with, 169. State of France at this juncture, 175. Renewal of the war, 176. Normandy recovered, *ib.* Guienne alſo, 177. Acceſſion of Lewis XI. 223. Sends forces to the aſſiſtance of Henry VI. *ib.* State of, at the time of Henry VII. of England, 334. 352. The government intruſted to the princeſs Anne of Beaujeu, during the minority of Charles VII. 335. The adminiſtration diſputed by Lewis duke of Orleans, 336. Britanny annexed to, by the marriage of Charles with the ducheſs of, 349. War with, by Henry VII. 353. Peace concluded, 354. Invaded by Henry VIII. 433. Peace concluded with England, 443. Lewis XII. marries Henry's ſiſter, 444. Dies, *ib.* Acceſſion of Francis, *ib.* See *Francis* I. Interview between Francis I. and Henry VIII. of England, iv. 22. War declared againſt, by England, 40. The powers of Italy join the alliance of the emperor againſt, 49. Battle of Pavia, and captivity of Francis, 57. Treaty of Madrid, and reſtoration of Francis, 66. War declared againſt the emperor, 73. The emperor challenges Francis to ſingle combat, *ib.* Peace of Cambray, 98. James V. of Scotland married to Mary of Guiſe, 201. Acceſſion of Henry II. 295. Mary the young queen of Scotland, ſent there, and betrothed to the Dauphin, 312. England engages in the Spaniſh war with, 433. Montmorency defeated by the Spaniards at St. Quintin, 434. The general conſternation at this event, *ib.* The duke of Guiſe recalled from Italy, 435. Calais taken from the Engliſh, *ib.* The danphin Francis married to Mary the young queen of Scotland, 440. Peace of Cateau Cambreſis, v. 16. The Guiſes engroſs all the authority of government, 40. Rigorous perſecution of the reformers, 41. Summary view of the civil wars in that kingdom, 68. Battle of Dreux, 72. A maſſacre of the Hugonots concerted, 94. See *Medicis*, Catharine de; *Lorraine*, cardinal of, &c. Battle of St. Dennis, and ſiege of Chartres, 186. The court agrees to an accommodation with the proteſtants, *ib.* Battle of Montcontour, 188. Maſſacre of the Hugonots at Paris, 205. Death of Charles IX. 210. Acceſſion of Henry III. *ib.* Battle of Coutras, 355. Aſſaſſination of the duke of Guiſe and his brother, 356. The king aſſaſſinated, 357. Acceſſion of Henry IV. *ib.* Henry renounces the proteſtant faith, 370. Henry IV. aſſaſſinated by Ravailac, vi. 56. Character of the early writers in, 191. Reduction of Rochelle, 266. Its conduct toward England, during the troubles of, vii. 247. Improvement of, under Lewis XIV. and cardinal Mazarine, *ib.* The ſhips of, ſeized by the Engliſh, 249. An alliance concluded with Oliver Cromwell, 278. Treaty of the Pyrennees with Spain, 305. Joins the Dutch in the war with England, 409. Treaty of Breda, 422. War with Spain, 431. War with Holland, 479. How it became formidable by ſea, viii. 20. Peace of Nimegnen, 46. Ambitious ſchemes, and haughty behaviour of Lewis XIV. 206. Revocation of the edict of Nantz,

Nantz, and its conſequences, 242. A league formed againſt, by the prince of Orange, 278.

Francis I. of Angouleme, ſucceeds to the crown of France on the death of Lewis XII. iii. 444. His character, *ib.* Defeats the Swiſs at Marignan, iv. 10. Sends Bonnivet, his ambaſſador, to England, 13. His flatteries to Wolſey, 15. Is unſucceſsful in his pretenſions to the imperial crown, 18. His character contraſted with that of the emperor Charles V. his competitor, 19. Is viſited by Henry in a plain near Ardres, 22. The ceremony of their meeting regulated by cardinal Wolſey, *ib.* His frank diſregard of the formality obſerved between him and Henry, 23. Which is returned by Henry, *ib.* Grand tournament held by them, 24. Is attacked by the emperor, 25. An ineffectual congreſs with the emperor, under the mediation of Wolſey, at Calais, 26. The pope, emperor, and Henry, conclude an alliance againſt him, *ib.* War declared againſt, by Henry, 41. Repulſes the earl of Surry's invaſion, *ib.* Is worſted in Italy, 42. The powers of Italy unite with the emperor againſt him, 49. The duke of Bourbon revolts againſt him, and enters the emperor's ſervice, 50. The duke of Suffolk invades Picardy, 51. Sends the admiral Bonnivet to invade Milan, 53. Bonnivet defeated, 54. Paſſes the Alps in perſon to invade the Milaneſe, 55. Beſieges Pavia, 56. Is defeated and taken priſoner by the imperialiſts, 57. His letter to his mother, 58. His propoſals to Charles for his liberty, 65. Is carried to Madrid, and falls ſick, *ib.* Is viſited by Charles, *ib.* Recovers his liberty by the treaty of Madrid, 66. Evades the execution of the treaty, 68. Meets Wolſey, and concludes freſh treaties with Henry, 71. Declares war againſt the emperor, 73. Is challenged by Charles to ſingle combat, *ib.* Peace concluded with Charles at Cambray, 98. His interview with Henry at Boulogne, 111. Leagues with the pope, 115. Endeavours an accommodation between the pope and Henry, *ib.* Renews his friendſhip with Henry, 141. Marries his daughter Magdalen to James V. of Scotland, 146. Apologites to Henry for this match, who refuſes to ſee his ambaſſador, *ib.* Concludes a truce with Charles for ten years, 176. Refuſes Henry's propoſals toward marriage with Mary of Guiſe, 201. Sends her to Scotland, *ib.* Other propoſals of marriage fruitleſs, *ib.* Allows the emperor an honourable paſſage through France to the Netherlands, 203. Promiſes to aſſiſt cardinal Beaton in Scotland, 236. Over-runs Luxembourg, and takes Landrecy, 239. Forces Charles to abandon the ſiege of Landrecy, 240. Is invaded by Charles and Henry, 245. Concludes a ſeparate peace with Charles, 247. Equips an armament for a deſcent on England, 250. Makes peace with Henry at Campe, 253.

Francis, dauphin of France, is married to the young queen of Scotland, iv. 440. Aſſumes the title and arms of England, in right of his queen, v. 19. Becomes king by the death of his father, 20. See *the next article.*

——— II. of France, excites the enmity of Elizabeth by aſſuming the title of king of England, v. 20. Treaty of Edinburgh, 36. Is wholly governed by the Guiſes, 40. Dies, and is ſucceeded by his brother Charles IX. 42.

Francis, father, is recommended by James II. to Cambridge for a degree, but is refuſed, viii. 264.

Franciſcans and Dominicans, reflections on the inſtitution of thoſe two religious orders, ii. 229.

Frank Almoigne, the nature of this tenure of lands explained, ii. 266.

Franks, females excluded from the ſucceſſion to the ſovereign authority, by the ancient uſages of that people, ii. 390.

Frederic I. emperor of Germany, engages in a cruſade, i. 458. ii. 7. Dies, *ib.*

——— II. emperor, the pope's ſentence of excommunication publiſhed againſt him, by Henry III. of England, his brother-in-law, ii. 164.

———, king of Naples, his kingdom conquered jointly by France and Spain, and ſeized by the latter, iii. 414.

———, elector palatine, is married to the princeſs Elizabeth, daughter of James I. of England, vi. 63. Is offered the crown of Bohemia, by the ſtates of that kingdom, 102. Is defeated at Prague, and takes refuge in Holland, 104. Is put under the bann of the empire, 112. His electoral dignity transferred to the duke of Bavaria, 123. Is perſuaded to ſubmiſſion by James, 124. Is totally diſpoſſeſſed of his patrimonial dominions, 151. His nephew reſtored in part by the treaty of Weſtphalia, vii. 246.

French language, its prevalence in England after the Norman invaſion, i. 259. The uſe of that language in law proceedings aboliſhed, ii. 498.

Fretteval, Philip of France routed there, and his records taken by Richard I. ii. 30.

Fridwit, in the German law, what, i. 217.

Frobiſher, Sir Martin, undertakes a cruize againſt the Spaniards, v. 362. Is killed at the taking of Morlaix, 374. Three trials made by him for the diſcovery of a north-weſt paſſage, 477.

Froiſſart, the hiſtorian, his character and repreſentation of the duke of Glouceſter's ſchemes againſt Richard II. iii. 30. Numberleſs miſtakes of, invalidate his teſtimony, ii. 511.

Fulk, count of Anjou, protects William, ſon of Robert duke of Normandy, i. 335. Marries his daughter to William, eldeſt ſon of king Henry I. of England, 336. Marries her afterwards to William, ſon of duke Robert, 340. Marries his ſon Geoffry to the daughter of Henry I. *ib.*

———, curate of Neuilly, his bold counſel to Richard I. ii. 6. Richard's reply to him, *ib.*

G

GAINSBOROW, battle of, between Oliver Cromwel and Cavendiſh, vi. 535.

Galilæo, a compariſon between, and lord Bacon, vi. 194.

Gama, Vaſquez de, his firſt paſſage to the Eaſt-Indies, round the Cape of Good Hope, iii. 404.

Gardiner, biſhop of Wincheſter, joins the duke of Norfolk in oppoſing the reformation, iv. 129. Acts covertly againſt the religious innovations, 189. Foments a cruel perſecution of heretics, 212. Propoſes certain Latin terms to be retained in the Engliſh verſion of the Scripture,

tures, 224. Is ſent ambaſſador to the emperor, 254. Diſſuades Henry from farther alterations in religion, *ib.* Endeavours to procure an impeachment of queen Catherine Par, for hereſy, 258. Oppoſes the ſteps toward reformation, taken by the protector and regency during the minority of Edward V. 290. Writes an apology for holy water, *ib.* His remonſtrances againſt religious innovations, 292. Is committed to the Fleet, and harſhly uſed, *ib.* His objections to the homilies, 293. Is committed to the Tower for denying the ſupremacy of the regency during a minority, 222. Refuſes to ſubſcribe articles propounded to him, 344. Is deprived and cloſely confined, *ib.* Is releaſed by queen Mary, 374. His generous aſſiſtance to Peter Martyr, 378. Is made chancellor, and promotes the Spaniſh match, 383. His moderate counſel on the occaſion, *ib.* His ſpeech at the opening a new parliament, 395. Debates with cardinal Pole, about the expediency of puniſhing heretics, 405. Procures Rogers, prebendary of St. Paul's, to be burnt for hereſy, 411. Engages Bonner and others to perſecute the reformers, 413. Dies, 421.

Gardening, and garden ſtuff, when firſt introduced into England, iv. 273.

Garnet, a Jeſuit, engages in the famous gun-powder plot, vi. 32. Is executed, 37. Is regarded in Spain as a martyr, *ib.*

Garter, inſtitution of that order of knighthood, ii. 447. Traditional account of the occaſion of it, 448.

Gaſcoigne, judge, impriſons prince Henry, afterwards Henry V. for inſulting him in his office, iii. 86. His kind reception by Henry, when king, 87.

Gaſcony, a deſcent made on that province by invitation of ſome factious lords, without effect, iii. 198.

Gaſton de Foix, nephew to Lewis XII. of France, his character, iii. 423. Is killed in a victory he gained over the Spaniſh and papal armies, *ib.*

Gavaſton, Piers, his character, ii. 328. His aſcendency over prince Edward, *ib.* Is baniſhed by Edward I. 329. Is recalled by Edward II. *ib.* His preferments, *ib.* His vanity, *ib.*; and contempt of the Engliſh, *ib.* Is left guardian of the realm, on the king's journey to France, 330. A confederacy formed againſt him by Thomas earl of Lancaſter, *ib.* His baniſhment demanded by Lancaſter in parliament, *ib.* Returns, 332. Baniſhed again by the council of ordainers, 334. Is recalled by the king, *ib.* Is taken priſoner by Pembroke at Scarborough, 236. Is ſeized by the earl of Warwic, and beheaded in Warwic caſtle, *ib.*

Gaucour, lord, is governor of Orleans, when beſieged by the earl of Saliſbury, iii. 138.

Gavelkind, origin of, i. 228. In the Iriſh cuſtoms, how regulated, vi. 59. Is aboliſhed there, *ib.*

Gauls, their ancient manners deſcribed, i. 3. See *France*.

Gaunt, John of. See *Lancaſter*.

——, Mrs. her cruel fate, viii. 234.

Genoa is bombarded by Lewis XIV. and forced to ſubmit to terms preſcribed by him, viii. 206.

Geoffrey, ſon of Fulk count of Anjou, married to the daughter of Henry I. i. 341.

Geoffrey, brother of king Henry II. invades Anjou and Maine, i. 377. Accepts a penſion in lieu, *ib.* Dies, *ib.*

———, third ſon of king Henry II. inveſted by his father with the duchy of Britanny, i. 434. Inſtigated by his mother Eleanor to revolt againſt him, 436. Is reconciled to him, 447. Rebels again, 459. Is ſlain in a tournament, *ib.* His ſon Arthur inveſted in the duchy of Britanny, *ib.* See *Arthur*.

———, natural ſon of Henry II. is the only child who retained his duty to him, i. 463. When archbiſhop of York, ſwears fidelity to his brother Richard I. on his departure on the cruſade, ii. 6. Is impriſoned by Longchamp, 17.

———, archdeacon of Norwich, his behaviour in the court of exchequer on hearing of the excommunication of king John, ii. 67. How killed by John, *ib.*

Geography, ſtrange inſtance of the ignorance of the Engliſh in, at the time of Edward III. ii. 499.

Gerard, and his heretical followers, cruel treatment of, in the reign of Henry II. i. 422.

———, Baltazar, aſſaſſinates the prince of Orange, v. 267.

——— and Vowel, two royaliſts, executed for a conſpiracy againſt the protector, vii. 237.

Germans, ancient, a character of, i. 16. Their government, 16. 197. Their manners, 17. Flock over into Britain, 22. Nature of their religion, 30. Are the firſt founders of the feudal law, and on what principles, ii. 102. The nature of their eſtabliſhments explained, 103.

Germany, how divided under the feudal ſyſtem, i. 182. Henry IV. emperor, permits his vaſſals to aſſiſt the Norman invaſion, 185. The free nature of the ſeveral ſtates in, 197. The Anglo-Saxon criminal law traced from, 215. The commencement of the reformation in, by Martin Luther, iv. 35. Progreſs of the reformation among the princes of, *ib.* A peace favourable to the proteſtants, procured from the emperor, by Maurice elector of Saxony, 382. See *Charles* V. and *Maurice*. The crown of Bohemia offered to the elector palatine, vi. 102. See *Frederic*. Battle of Prague, 104. The elector palatine put under the bann of the empire, 112. His electoral dignity transferred to the duke of Bavaria, 123. Succeſſes of Guſtavus king of Sweden there, 283. The long wars in, terminated by the treaty of Weſtphalia, vii. 246. A league formed at Augſburg, under the influence of the prince of Orange, againſt Lewis XIV. viii. 278.

Ghent, the treaty called the pacification of, v. 219. Is taken by Lewis XIV. viii. 42.

Gibſon, a Scots preacher, curſes James VI. in his pulpit, v. 280.

Gifford, a prieſt, is employed by Walſingham to forward the correſpondence between Mary queen of Scots, and Babington, v. 287. Carries the letters to Walſingham, *ib.*

Gilbert, Sir Humphry, his ſpeech in the houſe of commons, in defence of the legal prerogative, v. 179.

Githa, mother of Harold, excites an inſurrection at Exeter, againſt William the conqueror, i. 244. Retreats to Flanders, *ib.*

Glamorgan, earl of, his commiſſion from Charles I. with regard to Ireland, vii. 67. Concludes a ſecret treaty with the council of Kilkenny, *ib.* Is committed to priſon by the lord lieutenant, 68. Vindication of the king from the charge of authorizing this ſecret treaty, 516.

Glaſs, the manufacture of, when firſt brought into England, viii. 329.

Glendour, Owen, his inſurrection in Wales, iii. 67. Takes the earl of Marche and his uncle priſoners, *ib.*

Glouceſter, when firſt erected into a biſhopric, iv. 183.

———, Robert, earl of, natural ſon of Henry I. ſwears a conditional fealty to king Stephen, i. 355. Conſequences of this example, *ib.* Retires abroad, and defies the king, 357. Returns with the empreſs Matilda, 359. Defeats Stephen, and takes him priſoner, 361.

———, earl of, confederates with the earl of Leiceſter againſt Henry III. ii. 182. Joins the royal party, 195. Dies, *ib.*

———, Gilbert, earl of, ſon to the former, joins the earl of Leiceſter, ii. 195. Refuſes with Leiceſter to abide by the arbitration of Lewis of France, 202. Commands a body of troops at the battle of Lewes, 204. Takes Henry priſoner, 205. Is ill-treated by Leiceſter, 207. Retires from Leiceſter's parliament, 212. Aſſiſts prince Edward in eſcaping from the cuſtody of Leiceſter, 213. Rebels again, 219. Henry's lenity toward him, *ib.* Attends prince Edward on a cruſade, *ib.* Marries the daughter of Edward I. 257. Is fined for violences committed on Bohun earl of Hereford, *ib.* His ſon killed at the battle of Bannockburn, 340.

———, duke of, uncle to Richard II. his character, iii. 2. Supplanted in his influence over the king by Robert de Vere, earl of Oxford, 14. Prevails on the houſe of commons to impeach Michael de la Pole earl of Suffolk, 15. Deprives Richard of his regal power, by the appointment of a council of fourteen to continue for a year, 17. Raiſes forces againſt the king, 19. Defeats Robert de Vere, duke of Ireland, 20. His arbitrary proceedings againſt the miniſtry, *ib.* Rejects the queen's humble ſolicitation in favour of Sir Simon Burley, 23. Is removed from the council-board, 24. His cabals againſt the king, 27. Sent over to Calais by the king, 29. Appealed againſt in the houſe of peers, 31. Proceedings againſt his party, *ib.* Murdered, 32. His revenue, 121.

———, Humphry, duke of, brother to Henry V. left by him regent of England, during the minority of Henry VI. iii. 116. Conſtituted by parliament guardian of the kingdom only, during the duke of Bedford's abſence, 124. Enters into a precipitate marriage with the counteſs of Hainault, 133. Fatal conſequences of that meaſure, *ib.* Reconciled to the biſhop of Wincheſter by the duke of Bedford, 134. Freſh diſputes with him, which throws the Engliſh affairs into confuſion, 163. His ducheſs tried for witchcraft, 171. Murdered, 172. His character, 173.

———, Richard duke of, brother to Edward IV. reported to have ſtabbed prince Edward, ſon of Henry VI. iii. 250. Commands in an invaſion of Scotland, and takes Berwic, which is yielded by treaty, 265. Left regent of the kingdom by his brother Edward IV. during the minority of his ſon, 267. His character and views, 268. Arreſts the earl

earl of Rivers, the young king's guardian, 270. Made protector of the realm, 272. Orders the death of the earl of Rivers, *ib.* Marks out Lord Haſtings for deſtruction, 273. His extraordinary behaviour in council, 274. Concerts the immediate murder of Lord Haſtings, *ib.* Declares his brother's marriage invalid, 276. Declares his brother illegitimate, 277. Procures Dr. Shaw to eſtabliſh theſe points in a ſermon at St. Paul's, *ib.* Ill ſucceſs of this ſcheme, 278. Accepts the crown offered by the duke of Buckingham as a popular tender, 280. Orders the murder of Edward V. and the duke of York in the Tower, *ib.* See *Richard* III.

Glouceſter, duke of, youngeſt ſon of Charles I. his father's diſcourſe to him before his execution, vii. 142. Is ſent abroad by Cromwel, 151. A preſent voted to him by parliament on his brother's reſtoration, 328. His death and character, 358.

Godfrey of Boüillon, created king of Jeruſalem, i. 312.

———, Sir Edmondbury, murdered, viii. 74. The general confuſion on this event, *ib.* His extraordinary funeral, 75. His death not to be accounted for, 76. Green, Berry, and Hill, tried and executed for this murder, 92.

Godwin, earl, his bravery under Cannte in Denmark, i. 151. Rewarded by obtaining his daughter in marriage, *ib.* Murders Alfred ſon of king Ethelred, 155. His method of appeaſing Hardicanute for this act, 157. Marries his daughter to king Edward the Confeſſor, 159. His exorbitant power, 162. Raiſes an army againſt Edward, 164. Flies to Flanders, 165. Makes deſcents on the Engliſh coaſt, *ib.* Received to favour, 166.

Gondomar, the Spaniſh ambaſſador, remonſtrates againſt Sir Walter Raleigh's expedition to Guiana, vi. 94. Offers the ſecond daughter of Spain for prince Charles, 100.

Goodwin, Sir Francis, his ſeat in parliament vacated on account of outlawry, by the chancellor, vi. 18. Is reſtored to his ſeat by the houſe, 19. Diſputes on this occaſion, *ib.* How compromiſed, 20.

Gordon, lady Catharine, a Scots lady, married to Perkin Warbec, iii. 371. Taken priſoner by Henry VII. and generouſly treated, 380.

Gorges, Sir Ferdinando, returns from Dieppe, with his ſhip, contrary to orders, vi. 208.

Goring, enters into an aſſociation, with other officers, to petition king and parliament againſt popular innovations, vi. 410. Betrays the ſecret to the commons, 411. Is made governor of Portſmouth by the commons, 479. Declares for the king, and is reduced by the parliament's forces, 501. His letter to the king intercepted by Fairfax, vii. 60.

Goſſipping, among women, a proclamation againſt, iv. 274.

Government, the feudal frame of, introduced by the Norman conqueſt, i. 253. The firſt beginnings of the popular frame of, in England, ii. 273. Amidſt all its fluctuations, the will of the monarch never abſolute and uncontroulable, iii. 304. That of England, in the time of queen Elizabeth, compared with that of Turkey, v. 459. Remarks on, with reference to the caſe of king Charles I. vii. 148.

———, eccleſiaſtical, a review of, during the reign of James I. vi. 163.

Gourdon,

Gourdon, a Norman archer, wounds Richard I. with an arrow, which occaſions his death, ii. 33. His noble reply to Richard, 34. His cruel fate, *ib.*

———, Adam de, his troops vanquiſhed, and himſelf taken priſoner by prince Edward, ſon of Henry III. ii. 217. Is taken into favour by that prince, *ib.*

Gournay and Mautravers, the keepers of the depoſed king Edward II. cruelly murder him, ii. 359. Their fates, *ib.*

Gower, barony of, commotions excited againſt the barons, by the ſeizure of, from John de Mowbray, ii. 345.

Gowry, earl of, enters into an aſſociation for ſeizing the young king James from the power of Lenox and Arran, v. 248. Is tried and executed, 256.

Graham, captain, is repulſed in an attack on a conventicle at London-hill, viii. 115.

Granvelle, cardinal, his arbitrary conduct in the Low Countries, occaſions a revolt of the Flemiſh proteſtants, v. 192.

Granville, Sir John, ſends Dr. Monk to negociate for the king, with his brother the general, vii. 311. Comes over to Monk himſelf, and prevails with him to declare his intentions, 322. Preſents the king's letter to the houſe of commons, who appoint a committee to anſwer it, 327.

Gratian, and Vivian, nuncios to pope Alexander III. attempt in vain to reconcile Henry II. and Becket archbiſhop of Canterbury, i. 410.

Gravelines, battle there between count Egmont, the Spaniſh general, and de Thermes the French governor of Calais, iv. 444. Interview there between the emperor Charles V. and Henry VIII. iv. 24.

Gray, lord, is ſent by queen Elizabeth with forces to the aſſiſtance of the proteſtant malcontents in Scotland, v. 35. Beſieges and takes Leith from the French party, *ib.* Aſſiſts the earl of Ormond in reducing the Spaniſh general San Joſepho, in Ireland, v. 233. His cruelty in this affair, 234.

——, the lady Elizabeth, her hiſtory, iii. 226. Captivates Edward IV. *ib.* Married to him, 227. Honours conferred on her family, 229. Her father and one of her brothers murdered by the Yorkſhire inſurgents, 233. Orders the earl of Rivers to levy an army to eſcort the young king Edward V. to London, 269. Perſuaded to the contrary by the duke of Glouceſter, *ib.* Retires with her children into the ſanctuary of Weſtminſter, on the duke of Glouceſter's arreſting the earl of Rivers, 270. Forced to deliver up the duke of York, 271. Her marriage declared invalid by Glouceſter, 276. Conſents to a marriage between the princeſs Elizabeth, and Henry earl of Richmond, 288. Conſents, after, to her marriage with Richard III. 291. The princeſs married to Henry VIII. 320. Suppoſed to be privy to the inſurrection of Lambert Simnel, 324. Seized and confined, 326. Dies in confinement, 327.

——, lady Jane, Dudley, duke of Northumberland propoſes to Edward VI. to alter the ſucceſſion in her favour, iv. 360. Is married to the lord Guildford Dudley, 361. Is appointed to the ſucceſſion by a deed of ſettlement, 364. Her amiable character, 368. Is unwilling to accept the offer of the crown, 369. Is proclaimed, *ib.* Is deſerted by the

council and the people, 371. Returns to private life, 372. Is taken into cuſtody with all the heads of her party, *ib.* Sentence paſſed upon her, 373. Is executed on account of a new conſpiracy of her father's, 392. Her noble behaviour and dying declarations, 393.

Gray, lady Catharine, is married to lord Herbert, ſon of the earl of Pembroke, iv. 361. Is divorced from him, and privately married to the earl of Hertford, v. 61. Is committed to the Tower by queen Elizabeth on this account, where ſhe dies, 62.

Great Harry, the firſt ſhip properly of the royal navy, built by Henry VII. iii. 406.

Greek language, how imported and cultivated in Europe, iii. 406.

Greenland, when diſcovered, vi. 183.

Greenville, Sir Richard, vice-admiral of the Engliſh fleet under lord Thomas Howard, his ſhip, the firſt Engliſh ſhip of war taken by the Spaniards, v. 361. Circumſtances of his death, 523.

Gregory the great, pope, ſpecimens of his talents in punning, i. 32. His ignorant intemperate zeal againſt paganiſm, 33. Sends Auguſtine the monk into Britain, *ib.* Writes to Ethelbert king of Kent, 35. His ſolution of the caſes of conſcience propounded by Auguſtine, *ib.* His injunctions to him, i. 37.

——— VII. pope, his ambitious character, i. 267. His diſputes with the emperor Henry IV. 268. His uſurpations over other princes, 269. Prohibits the marriage of prieſts, 271. Projects a confederacy againſt the Mahometans, 294. See *Cruſades*.

——— VIII. pope, engages the emperor, and kings of England and France, in a new cruſade, i. 458.

——— IX. pope, a character of his decretals, ii. 229.

——— XI. pope, iſſues a bull for taking Wickliffe into cuſtody, iii. 53. The ſeat of the papacy fixed at Rome after his death, 57.

Greſham, Sir Thomas, procures queen Elizabeth a loan from the company of merchant adventurers in London, v. 476. Builds the Royal Exchange, 483.

Grey, lord Leonard, executed for treaſon, iv. 213.

Griffin, ſecond ſon to Lewellyn prince of Wales, rebels againſt his father, and drives him to obtain the protection of Henry III. againſt him, ii. 196. Is taken priſoner by his elder brother David, given up to Henry, and committed to the Tower, *ib.* Loſes his life in attempting an eſcape, *ib.*

Grimſtone, Sir Harbottle, is choſen ſpeaker of the parliament which reſtored Charles II. vii. 327.

Grindal, archbiſhop, is perſecuted in the ſtar-chamber, for favouring the puritans, v. 262.

Groine, the ſhips and troops there, defeated by Sir Francis Drake, v. 349.

Gualo, the pope's legate, aſſiſts at the coronation of Henry III. and receives his homage to the ſee of Rome, ii. 145. Excommunicates thoſe barons who adhere to Lewis, 149. Puniſhes the clergy who had countenanced the invaſion of Lewis, 152. Pandolf reinſtated in the office of legate in his ſtead, 153.

Guelf and Ghibbelin, the riſe of theſe factions in Italy, i. 269.

Guiana, Sir Walter Raleigh's firſt expedition to, v. 377. Is taken poſſeſſion

ſion of by Sir Walter Raleigh, for the Engliſh crown, vi. 95. Is afterward taken poſſeſſion of by the Spaniards, *ib.* Raleigh's ſecond expedition to, *ib.* St. Thomas plundered by Raleigh, 96. See *Raleigh.*

Guido, legate from Rome, is ordered to excommunicate the earl of Leiceſter, and the barons in rebellion againſt Henry III. ii. 209. Dares not come himſelf, but ſends the bull, which is torn and flung into the ſea, *ib.* Becomes pope, 210.

Guienne, province of, is with Poictou mortgaged to William Rufus, i. 306. Edward I. deprived of that province, by the artifice of Philip of France, ii. 263. Ineffectual attempts of the Engliſh to recover, 264. Again unſucceſsfully attacked, 283. Reſtored to Edward I. by treaty with Philip, 297. Homage done for it by Edward II. 330.

———, William duke of, his preparations to engage in the cruſade, i. 307. Marries his daughter to the empreſs Matilda's ſon Henry, 367.

Guinegate, battle of, iii. 435.

Guiſe, duke of, repulſes the emperor Charles V. in his attack upon Metz, iv. 382. Is recalled from Italy, on the defeat of St. Quintin, 435. Takes Calais from the Engliſh, *ib.* Henry arrives at his camp, 444. Inſtigates the claim of his niece Mary of Scotland to the crown of England, v. 19. He and his family engroſs all the authority of the French government, 40. His influence leſſened by the death of Francis II. 42. Strengthens himſelf againſt the proteſtants by an alliance with Philip II. of Spain, 70. Commands under Montmorency at the battle of Dreux, 72. Beſieges Orleans, 78. Is aſſaſſinated by Poltrot, *ib.*

———, duke of, ſon of the former, defends Poictiers, beſieged by the admiral Coligni, v. 187. His character, *ib.* Maſſacre of Paris, 205. Becomes diſcontented with the conduct of Henry III. 212. Forms the famous catholic league againſt the Hugonots, *ib.* Sends the count D'Aubigney, of the houſe of Lenox, to detach James of Scotland from the Engliſh intereſt, 231. Revives the league, 268. Defeats the German auxiliaries of the Hugonots, 355. Is with his brother aſſaſſinated by the king's order, 356.

———, Mary of, widow of the duke de Longueville, marries James V. of Scotland, iv. 201. Death of her huſband, 230. Is brought to-bed of the princeſs Mary, *ib.* Attaches herſelf to cardinal Beaton, to oppoſe the pretenſions of the earl of Arran, 232. Is promiſed ſupport by Francis, 236. Goes to France to ſolicit aſſiſtance againſt the earl of Arran, 438. Her converſation with Edward VI. in her return through England, about his marriage with her daughter, *ib.* Obtains from Arran a reſignation of his office as regent of Scotland, 439. Is attended by D'Oiſel a Frenchman to aſſiſt her in the adminiſtration, *ib.* Gains the good-will of the Scots by her prudent conduct, 440. Endeavours to engage the Scots to take part in the quarrel with France againſt England, *ib.* Her daughter, the young queen Mary, married to the dauphin of France, *ib.* Protects the Engliſh reformers, who fled from the perſecutions of queen Mary, v. 21. Is petitioned by the aſſociation of reformers called the *Congregation of the Lord*, 25. Her motives for temporiſing between the religious parties, *ib.* Is induced to a more rigorous conduct, by orders from France, *ib.* Aſſembles an army to ſuppreſs the proteſtant riots, 27. Enters into an accommodation

Accommodation with the *Congregation*, 29. Is received into Perth, *ib.* Improbable violence of expreſſion charged upon her, *ib.* Is forced to retire and fortify herſelf in Dunbar, 31. Remonſtrates with the *Congregation*, *ib.* Grants them a toleration, *ib.* Receives reinforcements from France, *ib.* Is deprived of the regency by the *Congregation*, 32. Her death and character, 36.

Gunilda, a Daniſh princeſs, her death and prophecy, i. 141.

Gunpowder, when invented, iii. 406.

Gunpowder plot, a hiſtory of, vi. 312. The conſpiracy diſcovered, 34. The conſpirators puniſhed, 36.

Gurth, brother to king Harold, his advice to him on the Norman invaſion, i. 190. Killed at the battle of Haſtings, 194.

Guſtavus, king of Sweden, his character, and exploits in Germany, vi. 280. Is killed at the battle of Lutzen, 282.

Guthrum, the Daniſh chief, and his army, baptiſed, i. 84.

H.

HABEAS Corpus act paſſed, viii. 107. The perſonal ſecurities afforded by this ſtatute, *ib.*

Haddington, taken by the duke of Somerſet, and fortified, iv. 310. Is beſieged by the Scots and French, *ib.* Is diſmantled, 332.

Hainault, Jane counteſs of, procures a truce between Edward III. of England, and Philip de Valois of France, ii. 406.

———, Jaqueline counteſs of, her character and that of her huſband the duke of Brabant, iii. 133. Leaves her huſband and puts herſelf under the protection of the duke of Glouceſter, *ib.* Enters into a precipitate marriage with him, *ib.* Fatal conſequences of this meaſure, 134. Her contract with Glouceſter annulled by the pope, 135.

Hales, Sir James, poſitively refuſes to ſign the patent for the ſucceſſion of lady Jane Gray, iv. 364. Is impriſoned for oppoſing queen Mary's ſchemes, and kills himſelf, 376.

———, Sir Edward, is proſecuted on the teſt act with a view to eſtabliſhing the diſpenſing power in the king, viii. 244.

Hallidown-hill, battle of, between Edward III. and Sir Archibald Douglas, ii. 387.

Halifax, marquis of, his charracter, viii. 175. His motive for endeavouring a reconciliation between the duke of Monmouth and the king, 202. His reception by king James on his acceſſion, 218. The privy ſeal taken from him, 250. Joins in the invitation to the prince of Orange, 283. Is choſen ſpeaker of the houſe of peers on the king's flight, 302.

Hambden, John, attempts to go over to America, but is prevented, vi. 309. Is tried by all the judges in England, for refuſing to pay ſhip-money, 314. The conſequences of this trial, 317. His ſentence cancelled, 380. Is appointed one of the committee to attend the king to Scotland, 423. Is impeached by the king, 467. Is killed in a ſkirmiſh with the royaliſts, 520. His character, 521.

———, John, grandſon of the former, enters into the duke of Monmouth's conſpiracy, viii. 185. Is tried and fined for miſdemeanour only, 198. Joins in the invitation to the prince of Orange, 283.

Hamilton, Patrick, controverts the popiſh doctrines in a conference at St. Andrews, iv. 214. Is burnt, *ib.*

———, primate of Scotland, tries and condemns Walter Mill the reformer to the flames for hereſy, v. 23. Extraordinary zeal of the people of St. Andrews againſt this act of cruelty, 24.

———, marquis of, is ſent by Charles I. to treat with the Scots covenanters, vi. 330. His fruitleſs attempts at a compromiſe, 331. Is ſent with a fleet and army againſt the covenanters, 339. Is created a duke, vii. 43. His conduct with regard to Montroſe, *ib.* His ſincerity in the king's cauſe how rendered problematical, 45. Is impriſoned by the king, 46. Recovers his liberty, and raiſes a Scots army in the king's favour, 117. Enters England, 126. Is defeated and taken priſoner by Cromwell, 127. Is tried as earl of Cambridge, and executed, 152.

———, duke, becomes head of a party formed againſt the duke of Lauderdale, and applies to the king, viii. 52. Again repreſents the oppreſſions exerciſed by Lauderdale, to the king, 60.

Hammond, governor of the iſle of Wight, receives Charles I. into Cariſbroke-caſtle, vii. 107. Is ordered to confine the king cloſely, 114.

Hampton-court palace, built by cardinal Wolſey, and preſented by him to Henry VIII. iv. 64. The conferences concerning Mary queen of Scots adjourned thither from York, v. 139. A conference of divines ſummoned there by James I. to debate on points of faith and religious diſcipline, vi. 10. The ſubjects diſputed, 13. The event of this conference, *ib.*

Hanſe-towns, the inhabitants of, encouraged to ſettle in England, iv. 349. Their privileges taken away, *ib.* Diſputes between the merchants of, and queen Elizabeth, v. 479.

Harcla, Sir Andrew, defeats Thomas earl of Lancaſter, at Boroughbridge, ii. 348. Is made earl of Cariſle, 349. Is executed for a treaſonable correſpondence with the Scots, *ib.*

Harcourt, Geoffry de, his hiſtory, ii. 426. Perſuades Edward III. of England to invade Normandy, *ib.* Is made mareſchal of the Engliſh army, 427.

Hardicanute, ſon of Canute king of England, put in poſſeſſion of Denmark, i. 154. Obtains by treaty, with his brother Harold Hareſoot, a part of England, 155. Succeeds to the whole, 156. Loſes the affections of his ſubjects, 158. Dies of intemperance, *ib.*

Harfleur beſieged and taken by Henry V. of England, iii. 98.

Harlem, its vigorous defence againſt the Spaniards, and its inhabitants maſſacred in revenge, v. 216.

Harold, ſon of earl Godwin, ſucceeds to his father's poſſeſſions, i. 167. His conteſts with Algar, governor of Eaſt-Anglia, *ib.* Obtains the dukedom of Northumberland, 169. Shipwrecked on the coaſt of France, 173. Swears to William duke of Normandy, to renounce his own pretenſions to the Engliſh crown, and forward thoſe of William, 174. Evades his oath, 175. Checks the depredations of the Welſh, *ib.* Deſerts his brother Toſti, recommends Morcar to ſuperſede him as duke of Northumberland, and marries Morcar's ſiſter, 177. Makes open pretenſions to the

the crown, *ib.* Succeeds quietly at the death of Edward the Confeſſor, 179. Juſtifies himſelf to duke William's ambaſſadors, 180. His preparations to oppoſe the Norman invaſion, 187. Defeats Toſti with his Daniſh armament, 188. Diſadvantages of this victory, 190. Diſpoſition of his army the morning of battle, 193. Battle of Haſtings, *ib.* Killed by an arrow, 194. His body carried to duke William, but reſtored, 195.

Harold Harefoot, ſon of Canute, ſucceeds to the crown of England, i. 153. Shares it by treaty with his younger brother Hardicanute, 155. His body dug up and thrown into the Thames by Hardicanute, 156.

Harrington, a character of his Oceana, vii. 347. His death, *ib.*

Harriſon, colonel, conducts Charles I. to London in order to his trial, vii. 135. Is appointed one of the king's judges, 136. Detains Fairfax in prayer till the king is executed, 145. Becomes an enemy to Cromwell on his uſurping the ſupreme authority, and is deprived of his commiſſion, 260. Is tried and executed, 350.

Harvey, Dr. diſcovers the circulation of the blood, vii. 347. Is expoſed to reproach for this ſignal diſcovery, and his practice diminiſhed greatly on that account, *ib.* His death, 348.

Haſtings, battle of, between William duke of Normandy, and Harold king of England, i. 163.

———, the Daniſh chief, ravages Kent, i. 86. Routed by Alfred, and departs, 88.

———, lord, not joining in the duke of Glouceſter's ſchemes, is marked by him for deſtruction, iii. 273. Extraordinary murder of, 275.

———, Sir Edward, raiſes men for the lady Jane Gray, and carries them to the aſſiſtance of queen Mary, iv. 370.

———, lady Anne, refuſes to become empreſs of Muſcovy, v. 478.

Hatfield, a ſynod called there by Theodore archbiſhop of Canterbury, againſt the Monothelites, i. 64.

Hatton, Sir Chriſtopher, his exhortation to Mary queen of Scots, to ſubmit to trial, v. 293. Is made chancellor, though no lawyer, 330.

Haukes, Thomas, burnt for hereſy, iv. 415.

Havre de Grace, is delivered up to queen Elizabeth, by treaty with the prince of Condé, v. 71. The earl of Warwic takes the command of it, 72. Is beſieged by the French, 79. The garriſon infected by the plague, *ib.* Is ſurrendered by capitulation, 80.

Haxey, a member of parliament in the reign of Richard II. anecdote of, iii. 450.

Hayward, an author, incurs the reſentment of queen Elizabeth, v. 457. Is ſaved by the pleaſantry of Sir Francis Bacon, 458.

Hazelrig, Sir Arthur, is prevented from tranſporting himſelf with other puritans, to America, vi. 309. Is impeached by the king, 467. Is named one of the council of ſtate after the king's execution, vii. 158, *note*. Is created a peer by the protector, but chuſes to take his ſeat with the commons, 277. His character, 314.

Heath, archbiſhop of York, appointed chancellor on the death of biſhop Gardiner, iv. 421. Notifies the death of queen Mary to the parliament, v. 2.

Helie, lord of la Fleche, diſturbs William Rufus in his Norman poſſeſſions, i. 305. Is beſieged by William without ſucceſs, 306.

——, de St. Sean, why made tutor to William ſon of Robert duke of Normandy, i. 335. Carries his pupil to the court of the duke of Anjou, *ib.*

Hengiſt and Horſa, Saxons and brothers, popular account of their deſcent, i. 18. Land with a body of Saxons in Britain, 20. Horſa killed, *ib.* Hengiſt ſubdues the Britons, *ib.* Calls over his brother Octa, and founds the kingdom of Kent, 22. Is ſucceeded by his ſon Eſcus, 28. See *Kent*.

Henrietta, princeſs of France, comes over to England, and is married to Charles I. vi. 199. Her French attendants diſmiſſed by the inſtigation of Buckingham, 234. Her character, 283. Obtains contributions from the catholics, to aſſiſt the king againſt the Scots covenanters, 338. Is threatened by the commons with an impeachment, and prepares to fly, 477. Goes over to Holland, 480. Sends military ſtores over to the king, 491. Brings over a reinforcement to the king at Oxford, 522. Is impeached by the commons, and retires to Exeter, vii. 9. Flies to France, 63. Her diſtreſſed ſituation there, 248. Viſits her ſon on his reſtoration, 258.

Henry, youngeſt ſon of William the conqueror, his future greatneſs predicted by his father, i. 280. Raiſes an inſurrection in Normandy, 289. Reduced by his brothers, 290. Seizes England on the death of William Rufus, his brother, 313.

—— I. grants a charter of liberties, i. 314. Lodges a copy in every county, 315. Diſregards his promiſes, *ib.* Review of this charter, 316. Weds Matilda, daughter of Malcolm III. king of Scotland, 318. Invaded by his brother Robert, 319. Treaty between them, 321. Severe treatment of his barons, 322. Attacks Normandy, 323. His diſpute with the pope concerning inveſtitures, 325. Sends three biſhops to him, 328. The pope's inſolent anſwer to, 329. Compromiſe between, 332. Goes over to defend his Norman dominions, 336. His admonitions to the Engliſh biſhops ſent by him to the council at Rheims, 337. Defeats Lewis king of France, *ib.* Loſes his eldeſt ſon William, 338. Marries Adelais daughter of Godfrey duke of Lorraine, 340. Marries his daughter Matilda to Henry V. emperor of Germany, *ib.* Marries her afterwards to Geoffrey ſon of Fulk count of Anjou, *ib.* Review of his government, 341. Goes to Normandy to viſit his daughter Matilda, 344. Cauſes the nobility to ſwear fealty to her, *ib.* His death and character, 345. Particulars of a charter given by him, granting to London the privileges of a corporation, 347.

——, ſon of the empreſs Matilda, and grandſon of king Henry I. born, i. 344. Brought over to England to aſſiſt his mother, 365. Is knighted by David king of Scotland, 367. Inveſted with the dutchy of Normandy, *ib.* Marries Eleanor, daughter of William duke of Guienne, 368. His ſucceſſion to the crown of England confirmed by Stephen, *ib.* His continental poſſeſſions at his acceſſion, 373.

—— II. The firſt act of his government, i. 376. Goes over to quiet his brother Geoffrey, *ib.* Puniſhes the incurſions of the Welſh, 377. Viſits the king of France, and contracts his infant ſon Henry to Margaret daughter of France, 378. His acquiſitions on the continent, *ib.*

Compounds the perſonal ſervice of his Norman vaſſals for money, 380. His wars in France, *ib.* Accommodates his differences with Lewis by the pope's mediation, 381. Oppoſes the encroachments of the clergy, 383. His grateful remembrance of Theobald archbiſhop of Canterbury, *ib.* Creates Thomas a Becket chancellor, 384. Inſtance of his familiarity with him, 385. Makes him archbiſhop of Canterbury, 386. Provoked by his arbitrary conduct, 388. Calls an aſſembly of the clergy, to acknowledge a ſubmiſſion to the civil laws, 391. Determines to check the clerical uſurpations, 392. Conſtitutions of Clarendon, 393. Applies to the pope for a legantine commiſſion, which is rendered abortive by the pope, 396. Procures Becket to be ſued for ſome lands, 397. Calls a council at Northampton, at which Becket is condemned for contempt, 398. Makes another demand on Becket, 399. Sequeſters the revenues of Canterbury on Becket's flight, 404. Inhibits all appeals to the pope, *ib.* Suſpends the payment of Peter's pence, 406. Endeavours at an alliance with the emperor Frederic Barbaroſſa, *ib.* An accommodation prevented by the inflexibility of Becket, 408. Obtains a diſpenſation for the marriage of his third ſon Geoffrey with the heireſs of Britanny, *ib.* Several ineffectual attempts of reconciliation with Becket, *ib.* Detaches Lewis from Becket by his fair conduct, 411. Is reconciled to Becket, *ib.* Aſſociates his ſon Henry with him in the regal dignity, *ib.* His exclamation on hearing the continuance of Becket's arbitrary behaviour, and the conſequences, 416. His perplexity on the murder of Becket, 419. His ſubmiſſions to the pope on the occaſion, *ib.* Impoſes a tax for the holy war, 422. Goes on an expedition to Ireland, 423. Solicits a grant of that iſland from Rome, 426. How prevented from the immediate execution of it, 427. Goes over to Ireland, and finds it already ſubdued by Strongbow and his aſſociates, 429. This conqueſt improperly ſecured, 430. Recalled from Ireland by the menaces of the legates Albert and Theodin, to anſwer at the inquiry into Becket's murder, 432. His conceſſions to them on that occaſion, *ib.* Receives abſolution, 433. Review of his preſent flouriſhing ſituation, *ib.* Aſſigns portions to his ſons, 434. His eldeſt ſon Henry revolts againſt him, 436, as do Geoffrey and Richard, at the inſtigation of queen Eleanor, *ib.* Confines his queen, *ib.* Appeals in vain to the pope againſt his ſons, 437. Employs a body of Brabançons, 438. Deceived by king Lewis of France, before Vernoüil, 440. Quells the diſturbances in Britanny, *ib.* An ineffectual conference with Lewis, 441. His conduct in this critical ſituation, 442. Returns to quell the commotions in England, and does penance at Becket's tomb, 444. Raiſes the ſiege of Róüen, 447. Makes peace with his ſons, *ib.* Exacts homage of William king of Scotland, taken priſoner by his forces, and of all the Scots nobles, for his ranſom and crown, 448. Reforms the adminiſtration of juſtice in his dominions, 450. Demoliſhes the new erected caſtles of his nobility, *ib.* Provides for the defence of the kingdom, *ib.* Puniſhes the murderers of Thomas a Becket, 451. Mediates a peace between Philip, king of France, and his family, 454. His ſon Henry revolts again, but ſubmits, *ib.* His grief for his ſon Henry's death, 455. His ſon Geoffrey rebels again, 456. Is guardian to Geoffrey's poſthumous

mous ſon, *ib.* Engages in a cruſade, 458. Raiſes a tenth of moveables to carry it on, *ib.* War between him and Philip of France, occaſioned by another revolt of his ſon Richard, 459. Diſadvantageous peace, 462. His grief at finding John a party in Richard's revolt, *ib.* Dies, *ib.* His character, 463. Miſcellaneous tranſactions in his reign, 464. Manners of his court, *ib.* His vigilance in correcting diſorders, 466. Inſtance of his reputation for juſtice, 467. Commutes perſonal ſervice in war, 468. Remits Danegelt, 469. His iſſue, 470.

Henry, eldeſt ſon of Henry II. contracted in his infancy to Margaret, daughter of France, i. 378. Aſſociated with his father in the kingdom, 412. His repartee to his father at his coronation, 435. Is crowned again, together with his queen Margaret, *ib.* Expence of their coronation-robes, *ib. note.* Revolts againſt his father, 436. Leagues with Lewis king of France, 439. Beſieges Vernoüil in conjunction with him, 440. Is reconciled to his father, 447. Revolts again, but ſubmits, 454. Dies, 455.

—— III. his acceſſion, ii. 145. Is crowned at Glouceſter, *ib.* Swears fealty, and does homage to the pope, *ib.* The earl of Pembroke choſen protector during his minority, *ib.* Grants a new charter of liberties, at the inſtance of Pembroke, 146. Grants a renewal of the Great Charter, in a parliament at Oxford, 155. Is declared by the pope of age for government, *ib.* Rochelle taken from him by Lewis VIII. of France, 157. His conteſts with his brother Richard, earl of Cornwall, concerning the reſtitution of a manor in that county, 158. His character, *ib.* Removes Hubert de Burgh from offices, 160. Makes Peter, biſhop of Wincheſter, his chief miniſter, *ib.* His imprudent encouragement of the Poictevins, 161. Combinations among the barons on this occaſion, *ib.* His plea for not obſerving the Great Charter, 162. Diſmiſſes the biſhop of Wincheſter and his foreigners, at the menace of Edmond the primate, *ib.* Marries Eleanor, daughter of the count of Provence, 163. His bounties to her relations, *ib.* Publiſhes the pope's ſentence of excommunication againſt the emperor Frederic, his brother-in-law, 164. His maternal half-brothers come over to England to viſit him, *ib.* Beſtows riches and honours upon them, *ib.* Diſguſts among the people on theſe grants to foreigners, 165. Denied by parliament, he procures loans from the Londoners, *ib.* Declares war againſt Lewis IX. and makes an unſucceſsful expedition to Guienne, 166. His remark on the wealth of the Londoners, 167. His conteſts relating to the election of the archbiſhop of Canterbury, 168. Complains to the council of Lyons of the poſſeſſions of Italian clergy in England, 170. Is threatened with excommunication for oppoſing the pope's claims, 171. Accepts the offer made by the pope of the kingdom of Sicily, for his ſecond ſon Edmond, 172. The heavy debts he was involved in on this occaſion, *ib.* Is refuſed aids to diſcharge it by parliament, *ib.* The commotions among the clergy on account of the levies for the cruſade againſt Sicily, 173. Is threatened with excommunication for non-payment of the pope's demands, 174. His incapacity for quieting the diſcontents of his barons, 175. The bold remonſtrances of his parliament to him, 177. Endeavours to prevail on them, under the vow of a cruſade, 178. His ſar-caſtical

caſtical reply to a deputation of prelates, 179. Obtains a ſupply on a ſolemn confirmation of the Great Charter, *ib.* His ſiſter married to Simon de Montfort, earl of Leiceſter, 180. His diſputes with that nobleman, 181. His barons aſſemble in parliament, dreſſed in armour, 183. How addreſſed by Roger Bigod, earl of Norfolk, *ib.* The ſovereign authority veſted in a council of twenty-four barons by the parliament at Oxford, to redreſs grievances, 184. Is forced to baniſh his maternal half-brothers, 185. Makes a treaty with Lewis IX. of France, and cedes Normandy to him, 190. Applies to the pope, and obtains abſolution from his oath to obſerve the proviſions of Oxford, 193. His proceedings againſt the council in conſequence of this abſolution, 194. Calls a parliament, which authoriſes him to reſume the government, *ib.* Refers the differences between him and Leiceſter to the determination of Margaret of France, 195. Is applied to for protection by Lewellyn prince of Wales, againſt his rebellious ſon Griffin, 196. Griffin delivered up to him by his elder brother David, who does homage to him, *ib.* Griffin's ſon Lewellyn ſucceeds, who renews the homage, 197. Lewellyn invades the borders, *ib.* Is reduced to comply again with the proviſions of Oxford, 199. Is influenced by the barons taking prince Edward priſoner, *ib.* His diſputes with the barons referred to the arbitration of Lewis of France, 200. Lewis decides in his favour, 201. The barons refuſe to abide by the deciſion, and take arms, *ib.* He raiſes an army againſt them, 202. Mutual hoſtilities, 203. Is defeated and taken priſoner in the battle of Lewes, 205. How he obtained his liberty, 206. Stipulations between him and Leiceſter, 213. His narrow eſcape from death at the battle of Eveſham, 215. Conſequences of this battle, 216. His lenity toward the rebel barons, 217. His ſon Edward engages in a cruſade, *ib.* He calls him home again, 220. Dies, 221. His character, *ib.* His piety, 222. His children, *ib.* Laws enacted during his reign, *ib.* State of commerce in his reign, 224. The high intereſt of money 225. Extortions practiſed upon the Jews by him, 226. Bad internal police of the country in his reign, 227. Excuſe made by the officers of his houſehold for their robberies, 228.

Henry IV. (See *Hereford* and *Lancaſter.*) Remarks on his title to the crown, iii. 61. Tumultuous aſſembly of the parliament, 62. Quells an inſurrection of the degraded lords, 63. Attaches himſelf to the church, and paſſes a law condemning heretics to the flames, 65. The firſt execution of this kind in England, *ib.* Truce with France renewed, 66. Inſurrection in Wales, *ib.* Marches againſt the Scots, and ſeizes Edinburgh, 68. Defeats and kills young Piercy at Shrewſbury, 71. Executes the rebellious archbiſhop of York, 73. Takes prince James of Scotland priſoner, and educates him in England, 75. Foments diviſions in France, 76. Parliamentary tranſactions of this reign, 77. Conceſſions made to the houſe of commons, 78. His difficulties in eſtabliſhing the ſucceſſion of his family, 79. Attempts to adopt the Salic law, but is oppoſed by the commons, *ib.* Adviſed by his commons to ſeize on the temporalities of the church, 80. His death, 82. His character, *ib.* His marriages and children, 83. Cutting out any perſon's tongue, or putting out his eyes, made felony by an act of the fifth of his reign, *ib.*

Annual expence of his houſehold, 84. State of commerce during his reign, *ib.*

Henry V. eldeſt ſon and ſucceſſor to Henry IV. the cauſe of his youthful extravagancies pointed out, iii. 85. His ſudden reformation on his acceſſion, 87. His regard to the friends and memory of Richard II. *ib.* Averſe to the proſecution of lord Cobham, 89. Confers with him, *ib.* Cobham plots againſt him, is ſeized and executed, 90. His large demands on France, 96. Detects the conſpiracy of the earl of Cambridge, lord Scrope, and Sir Thomas Grey, 97. The conſpirators executed, *ib.* Invades France, and ſeizes Harfleur, 98. Battle of Azincour, 100. Compared with thoſe of Crecy and Poictiers, *ib.* 103. Invades France again, 106. Treaty with the queen and Burgundy, 107. Takes Roüen, 109. Treaty with the young duke of Burgundy, 110. Articles of, 111. Reflections on this treaty, *ib.* Marries the princeſs Catharine, 112. Returns to England for ſupplies, 113. Carries the young Scots king to France with him, 114. His forces under the duke of Clarence defeated by the Scots auxiliaries at Baugé, *ib.* Takes Meaux, and other places, 115. His ſon, afterwards Henry VI. born, *ib.* Falls ſick, and prepares for death, 116. The truſts he left during the minority of his infant ſon, *ib.* Dies, 117. His character, *ib.* Miſcellaneous tranſactions in his reign, 118. His ſcanty revenues, 120.

Henry VI. comes to the crown an infant, the adminiſtration regulated by parliament, iii. 123. His education committed, by parliament, to Henry Beaufort, biſhop of Wincheſter, 124. Crowned at Paris, 154. His character on arriving at manhood, 169. Married to Margaret of Anjou, 170. Normandy recovered by the French, 176. Guienne loſt, 177. Pretenſions of the duke of York to the crown, 180. Diſſipation of the royal revenues during the minority, 184. His title to the crown how defended, 191. How anſwered by the partizans of York, 193. Liſt of nobility how adhered to the Lancaſter prince in poſſeſſion, 195. Marches an army to oppoſe the duke of York, 197. The duke retires after a parley, *ib.* Unſucceſsful attempt on the province of Gaſcony, 198. Prince Edward born, *ib.* His imbecility of mind increaſes, 199. Taken priſoner by the duke of York at the battle of St. Alban's, 200. Re-inſtated in his regal authority, 202. A formal reconciliation between the partizans of York and Lancaſter, *ib.* Taken priſoner at Northampton, 205. The duke of York's right of ſucceſſion determined by the lords, 207. Is re-taken by queen Margaret at the battle of St. Alban's, 210. Depoſed by the election of Edward IV. 212. Reflections on this event, *ib.* Miſcellaneous tranſactions of his reign, 213. Retires to Scotland after the defeat at Touton, 219. Act of forfeiture and attainder paſſed againſt him, 222. Receives aſſiſtance from Lewis XI. of France, 223. Impriſoned in the Tower, 225. Reſtored by the earl of Warwick, 243. Again in the power of Edward, 247. His death, 250.

Henry VII. his acceſſion, iii. 307. Accepts Richard III's crown found in Boſworth-field, *ib.* His title to the crown of England, 308. His impolitic prejudices againſt the houſe of York, 311. Commits the young earl of Warwick to the Tower, 312. His joyful reception in his journey to London, 313. Renews his promiſe of marriage with the princeſs Elizabeth,

Elizabeth, 314. Defers it till after his coronation, *ib.* His coronation, *ib.* Creation of peers, *ib.* Inſtitution of yeomen of the guard, 315. His prior attainder how qualified, *ib.* His cautious entail of the crown, 316. Procures a papal ſanction of his right to the crown, 317. Attainders of the York-party, 318. Reflections on, *ib.* The duties of tonnage and poundage granted him for life, *ib.* Proclaims a pardon to thoſe who took arms againſt him, on ſurrender, 319. Titles of nobility conferred by him, *ib.* His choice of miniſters, *ib.* Married to the princeſs Elizabeth, daughter of Edward IV. 320. Makes a progreſs into the north, 321. Diſperſes an inſurrection at Worceſter, *ib.* Birth of prince Arthur, 322. His government unpopular, 323. Revolt of Ireland under Lambert Simnel, 325. Muſters troops againſt him, 328. Defeats the earl of Lincoln, Simnel's general, at Stoke, 330. Entertains Simnel as a ſcullion, *ib.* His rigorous proſecution of Simnel's partizans, *ib.* Crowns his queen, 331. State of foreign affairs at this period, 332. Makes a truce for ſeven years with the Scots, 333. His politic motives for not aſſiſting the French in their deſigns on Britanny, 339. His offers of mediation, how anſwered by the duke of Britanny, 340. Obtains a ſupply from parliament to aſſiſt Britanny, 343. Inſurrection in the north on levying it, *ib.* Suppreſſed, 344. Sends lord Willoughby de Broke to Britanny, 345. His vexation on the marriage of Charles of France with the ducheſs of Britanny, 350. Levies a benevolence on his people, *ib.* Promiſes his parliament to claim the crown of France, 351. Carries over an army to France, 353. Makes peace with France, 354. Cauſes the murder of Edward V. and the duke of York to be aſcertained, on account of Perkin Warbec's impoſture, 360. His policy in ſearching into the conſpiracy, *ib.* Gains over Sir Robert Clifford to betray Perkin's ſecrets, 361. Publiſhes Perkin's ſecret hiſtory, *ib.* Remonſtrates to the archduke on the occaſion, and prohibits all commerce with the Low Countries, *ib.* Executes Perkin Warbec's ſecret adherents, 362. Detects and executes Sir William Stanley, 364. Oppreſſes his people by arbitrary fines, 365. Careſſes lawyers, and curbs his nobility, *ib.* Paſſes a law to indemnify all who act under the authority of the king for the time being, 366. Sends Sir Edward Poynings over to reduce the malcontents in Ireland, 367. Poynings' memorable ſtatute, *ib.* Leagues with the Italian ſtates againſt France, 368. Obtains a ſubſidy from parliament, 372. Inſurrection in Cornwal on occaſion of levying it, 373. His prudent diſpoſition to oppoſe the Corniſh inſurgents, 375. Defeats them at Blackheath, 376. Employs Hialas, Ferdinand's ambaſſador, to negociate a truce with Scotland, 377. Concludes a treaty of commerce with the Flemings, 378. Perkin Warbec lands in Cornwal, and beſieges Exeter, 379. The ſiege raiſed, and Perkin's followers diſperſe, 380. His generous treatment of Perkin's wife, *ib.* Conducts Perkin in mock-triumph to London, 381. Publiſhes Perkin's confeſſion, 382. Executes the young earl of Warwic for concerting an eſcape with Perkin Warbec, 383. Reflections on this execution, *ib.* His excuſe for it, *ib.* His interview with the archduke Philip at Calais, 384. The pope ſends a nuncio to engage him in a cruſade againſt the Turks, *ib.* Makes a conditional promiſe to attend

attend him, 385. Is chofen protector of the knights of Rhodes, *ib.* Marries Arthur, prince of Wales, to Catherine of Arragon, *ib.* The prince dies, 386. Marries her to his second son Henry, *ib.* Marries his eldest daughter Margaret to James IV. of Scotland, *ib.* His remark on this connexion, *ib.* Death of his queen, *ib.* His present situation, 387. His avarice, and oppression of his people by his two ministers, Empson and Dudley, *ib.* Their modes of extortion, *ib.* His great wealth acquired by these means, 389. His political attention to the state of Europe, 390. Is visited by Philip king of Castile, forced by a storm on the coast of England, 391. The advantage he took of this occurrence to obtain possession of the earl of Suffolk, whom Philip protected, 392. Commits Suffolk to the Tower, 393. Affiances his daughter Mary to Charles archduke of Austria, 394. His remorse for his oppressions, and his deeds of atonement, *ib.* Yet continues his extortions, *ib.* His death and character, 395. More absolute in his conduct than any former king, 396. The people's submission accounted for, *ib.* His laws calculated for the good of the nation, 397. Star-chamber, the authority of, established in this reign, *ib.* Suits *in formâ pauperis*, first given, 398. Benefit of clergy abridged, *ib.* Passed frequent laws against retainers, 399. Anecdote of his behaviour to the earl of Oxford on account of, *ib.* Empowers his nobility and gentry to break the ancient entails of estates, 400. Depresses old families, and caresses new ones, 401. Commerce rather hurt than advanced by some of his laws, *ib.* Instances, *ib.* Remarks on the comparative prices of commodities and labour at that time, 402. Review of other commercial regulations, 403. America, and the new passage to the East Indies, discovered in this reign, 405. Great alterations in the European nations in consequence of these extraordinary events, *ib.* How he lost the honour of the first discovery of America, *ib.* Sebastian Cabot sent out by him on discoveries in America, *ib.* Newfoundland discovered by Cabot, 406. The first ship of the royal navy, called the *Great Harry*, built by Henry, *ib.* Circumstances which tended to the promotion of literature about this time, *ib.* The nation rejoiced at his death, 408. His dying injunction to his son to protest against his marriage with Catherine of Arragon, iv. 75.

Henry, second son of Henry VII. created prince of Wales on the death of his brother Arthur, iii. 386. Forced by his father into a marriage with Catherine of Arragon, Arthur's widow, *ib.*

——— VIII. the general satisfaction of the people at his accession, iii. 408. His personal qualifications, *ib.* How he acquired a literary education, 409. His choice of ministers, *ib.* His taste for gaiety and pleasure encouraged by the earl of Surry, 410. Dissipates his father's treasures, *ib.* Music and literature his favourite pursuits, *ib.* Thomas Aquinas his favourite author, 411. Punishes the instruments of his father's oppressions, *ib.* Motives to the consummation of his marriage with Catherine of Arragon, 413. Takes part with pope Julius II. against France, 418. Supplies granted by parliament for a war with France, 419. Deluded by Ferdinand of Spain into a fruitless expedition to Guienne, to facilitate his conquest of Navarre, *ib.* A naval engagement

engagement between Sir Thomas Knevet and the French, 422. A poll-tax to carry on the war againſt France, the proportions how rated, 424. Receives a veſſel of proviſions, a preſent from the pope, 425. Diſputes with Scotland, *ib.* Concludes an alliance with Maximilian and Ferdinand againſt France, 426. Wolſey introduced to him by Fox, biſhop of Wincheſter, 428. The maxims inculcated by Wolſey, *ib.* Admits him to his privy-council, 429. Raiſes an army and fleet againſt France, 430. Invades France in perſon, 433. The emperor Maximilian ſerves under him, and receives pay, *ib* Beſieges Teroüane, 434. Defeats the French at the battle of Spurs, 435. Teroüane capitulates, *ib.* Takes Tournay, 437. Makes Wolſey biſhop of Tournay, *ib.* Returns to England, *ib.* Defeats the Scots at Flouden, 440. Makes peace with Scotland, *ib.* Enraged at Ferdinand's alliance with France, 442. Peace with France negociated by the duke of Longueville, *ib.* Terms of the treaty, 443. The princeſs Mary, Henry's ſiſter, married to Lewis, who dies quickly after, *ib.* His diſguſts againſt Francis I. of France, iv. 11. Is perſuaded by Wolſey to deliver up Tournay, 13. Forms pretenſions to the empire, but is too late, 18. His political advantages leſſened by the defects of his temper, 20. Is viſited by the emperor Charles V. 21. Goes over to Ardres to viſit Francis, by Wolſey's perſuaſion, who regulates the ceremonial of their meeting, 22. Inſtance of his delicacy towards Francis, *ib.* His return of Francis's familiarity and confidence, 23. Grand tournament held by them. 24. Viſits the emperor and Margaret of Saxony at Gravelines, *ib.* His endeavours to mediate a peace between the emperor and Francis fruſtrated, 26. An alliance concluded by Wolſey, between him and the emperor, with the pope, againſt Francis, *ib.* Trial and execution of the duke of Buckingham, 27. Writes againſt the opinions of Luther the reformer, 36. Receives the title of *Defender of the Faith* from the pope, *ib.* Is ſharply anſwered by Luther, *ib.* Is again viſited by the emperor Charles, whom he inſta'ls a knight of the garter, 40. Declares war againſt France, *ib.* Operations againſt Scotland, 43. His father's treaſure being diſſipated, impoſes arbitrary taxes, 46. Summons a parliamement, *ib.* Levies the grants before the ſtipulated time, 48. His arbitrary behaviour to Edward Montague, a member of the houſe of commons, *ib. note.* Sends a force under the duke of Suffolk to invade Picardy, 51. A new treaty between him and the emperor for the invaſion of France, 54. Concludes an alliance with Louiſe, the regent of France, on the captivity of Francis, 58. Sends Tonſtal, biſhop of London, ambaſſador to the emperor, 60. Levies taxes by Wolſey's advice, without his parliament, 61. Diſcontents of the people on this exertion of the prerogative, 62. Wolſey makes him a preſent of Hampton-court palace, 64. Joins the holy league againſt the emperor, 68. His treaties with Francis, 70. Declares, with France, war againſt the emperor, 73. Account of his ſcruples with regard to his marriage with Catherine of Arragon, 75. Has a ſon by lady Catherine Blount, 77. Conſults his prelates, who confirm his ſcruples concerning his marriage, *ib.* Becomes enamoured with the lady Anne

Anne Boleyn, 79. Applies to the pope for a divorce, *ib.* The motives of the pope's heſitation in that affair, 80. Lays the pope's conduct before his miniſters, and their advice thereupon, 81. The cardinals Wolſey and Campeggio appointed by the pope to try his marriage, 85. The trial opened, 87. The court abruptly prorogued by Campeggio, 90. Deprives Wolſey of the great ſeal, 92. Orders Wolſey to depart from York-place, and confiſcates his moveables there, *ib.* Orders him to be proſecuted in the ſtar-chamber, 93. Pardons him, 95. The commons grant him a diſcharge of his debts, 97. Sends Francis I. of France a generous acquittal of a debt owing to him, 98. A view of his inducements to break off all connection with the court of Rome, 99. The firſt introduction of Dr. Cranmer to him, 101. Engages Cranmer to write in favour of his divorce, *ib.* An examination into the general queſtion of marriage within affinity, with reference to this caſe, *ib.* He obtains the deciſion of many univerſities in favour of his divorce, 102. Engages his nobility to write to the pope concerning, 103. Refuſes the pope's ſummons to appear at Rome, *ib.* Is concerned at Wolſey's death, 106. Perſecutes his clergy on the ſtatute of proviſors, which is compounded with him by the convocation, *ib.* The convocation acknowledges his ſupremacy, with an artful reſervation, *ib.* Iſſues a pardon to the laity from the ſtatute of proviſors, 107. Paſſes an act againſt levying Annates, *ib.* The commons reject a bill to ſecure his right of wardſhips, &c. and his conduct thereupon, 108. Explains his ſcruples about his marriage to Sir Thomas Audley, ſpeaker of the houſe of commons, 109. His interview with Francis at Boulogne, 111. Celebrates his marriage with Anne Boleyn, *ib.* Paſſes an act againſt all appeals to Rome, on ſuits cognizable in eccleſiaſtical courts, 112. Publiſhes his marriage with Anne Boleyn, *ib.* His marriage with Catherine declared invalid by archbiſhop Cranmer, 113. Birth of the princeſs Elizabeth, *ib.* Creates her princeſs of Wales, *ib.* Degrades Catherine to the quality of princeſs-dowager of Wales, *ib.* Accident which produced his final breach with the pope, 116. The papal authority excluded from the regulation of monaſteries, and election of biſhops, by parliament, 117. The ſucceſſion to the crown regulated by parliament, 118. Is declared ſupreme head of the church, by parliament, 120. Was the moſt abſolute prince in Europe, 127. His hatred toward the reformers accounted for, 128. His courtiers, how diſpoſed with regard to the reformation, 129. His paſſions made uſe of, by both parties, 130. Is abuſed perſonally by friar Peyto from the pulpit, 134. Orders Dr. Corren to preach before him, who juſtifies him, *ib.* Detects and puniſhes *the holy maid of Kent*, and her aſſociates, 137. Fiſher, biſhop of Rocheſter, executed for denying his ſupremacy, 139. Trial and execution of Sir Thomas More, 140. The court of Rome enraged againſt him on account of theſe executions, *ib.* Is deſirous of a reconciliation with pope Paul III. *ib.* Is excommunicated by the pope, 141. Renews his friendſhip with Francis, and propoſes marrying the princeſs Elizabeth to the duke of Angouleme, *ib.* Remits money to the German proteſtants, 142. Invites over the principal German

German divines, *ib.* Death of Catherine of Arragon, and her dying letter to him, 143. His reply to the emperor's advances toward an accommodation, 144. Is diſguſted with Francis for marrying his daughter to James V. of Scotland, 146. Appoints Cromwel his vicar-general, 148. A viſitation of the monaſteries, *ib.* Many monaſteries ſurrender their revenues, 150. Their doors opened, *ib.* The leſſer monaſteries ſuppreſſed by parliament, *ib.* Becomes jealous of queen Anne, 155. His jealouſy ſtrengthened by the calumnies of the viſcounteſs of Rochford, *ib.* Becomes enamoured with the lady Jane Seymour, 156. Orders the queen, and ſome of her attendants, to be confined, 157. The queen's letter to him, 158. Trial of the queen, 159. Marries the lady Jane Seymour, the next day after Anne Boleyn's execution, 162. Receives the princeſs Mary into favour on her compliance with the acknowledgment of his ſupremacy, *ib.* The princeſſes Mary and Elizabeth illegitimated by parliament, 163. Articles of faith framed by convocation, and corrected by him, 166. Remarks on his ſkill in conducting the alterations in religion, *ib.* Diſcontents excited among the people by the diſperſed monks, 170. An inſurrection againſt him, headed by Dr. Mackrel, 171. Prevails on the inſurgents to deſert their chief, who is executed, *ib.* An inſurrection termed the *Pilgrimage of Grace*, raiſed in the north, by Mr. Aſke, *ib.* His manifeſto againſt them, 174. The inſurrection ſuppreſſed by the duke of Norfolk, 175. Prince Edward born, and the death of the queen, 176. Negociates with the German proteſtants, but without effect, 177. Allows only ſingle copies of the bible to be chained in ſome churches, with reſtrictions as to the reading of it, *ib.* Suppreſſes the larger monaſteries, 178. Pillages the ſhrine of Thomas a Becket, and burns his bones, 182. Makes liberal grants of the revenues of the religious houſes, 183. Erects ſix new biſhoprics, Weſtminſter, Oxford, Peterborough, Briſtol, Cheſter, and Glouceſter, *ib.* The rage expreſſed againſt him by the court of Rome, on his ſuppreſſion of the religious houſes, 184. Procures cardinal Pole to be diſmiſſed from his legantine charge in Flanders, 186. Executes ſome noblemen who had entered into a conſpiracy with Pole, 187. Declares againſt the authority of the council of Mantua, 188. Is obſtinately attached to the doctrine of the real preſence, 189. Enters into a formal diſputation with Lambert concerning the euchariſt, 191. Sentences Lambert to the ſtake, 192. Paſſes the bill of ſix articles, for aboliſhing diverſity of opinions in religion, 194. The parliament grants the force of laws to his proclamations, 196. Propounds a queſtion to the judges reſpecting the power of parliament in attainders, 198. The abbey-lands confirmed to him by parliament, 199. Grants a general poſſeſſion of the bible, 200. Solicits the ducheſs-dowager of Longueville in marriage, 201. Is refuſed by Francis, on account of her previous contract to the king of Scotland, *ib.* Demands Anne of Cleves of her father, 202. Sees her privately, and diſlikes her, *ib.* Marries her nevertheleſs, from political motives, 204. His diſguſt increaſes, *ib.* Complains to parliament of the diverſity of religions, 205. Creates Cromwel earl of Eſſex, and knight of the garter, *ib.* Obtains of parliament a diſſolution of the order

order of St. John of Jeruſalem, or knights of Malta, *ib.* Requires, and with difficulty obtains grants from parliament and convocation, 206. Fixes his affections on the lady Catharine Howard, 207. Is influenced by the duke of Norfolk to commit Cromwel to the Tower, 208. Cromwel's moving letter to him, *ib.* Is divorced from Anne of Cleves, 209. Concludes an alliance with the emperor, 211. Marries Catharine Howard, *ib.* Perſecutes the reformers, 212. Makes a progreſs into the north, 213. Exhorts the king of Scotland to ſeize the church revenues, 216. James evades a promiſed interview with him, 217. Is informed by Cranmer of the queen's diſſolute conduct, 218. The queen attainted, with her aſſociates, 219; and executed, 221. Diſſolves divers colleges, hoſpitals, and other foundations, and ſeizes their revenues, *ib.* Extorts a ſurrender of chapter-lands from divers biſhops, *ib.* Ireland erected into a kingdom, and added to his titles, *ib. note.* Mitigates the penalties of the ſix articles, ſo far as regards the marriage of prieſts, 222. Appoints a commiſſion to eſtabliſh a religion for the nation, *ib.* Writes and publiſhes his *Inſtitution of a Chriſtian Man*, 223. Publiſhes the *Euridition of a Chriſtian Man*, 224. Prohibits the lower claſſes of people to read the ſcriptures, *ib.* Reviews and alters the maſs books, 225. Suppreſſes the interludes in ridicule of the former ſuperſtitions, *ib.* Publiſhes a manifeſto, previous to his war with Scotland, 227. Sir Robert Bowes defeated by the Scots, 228. Battle of Solway, 229. Death of James, 230. Propoſes a marriage to the Scots nobles, between prince Edward and the infant queen of Scotland, 231. This marriage contracted by treaty, with the earl of Arran, 233. Is diſguſted with Francis, 235. Leagues with the emperor againſt Francis, 236. Obedience to his *Euridition of a Chriſtian Man* enforced by parliament, 238. Marries Catharine Par, 239. Influences parliament to reſtore the princeſſes Mary and Elizabeth to their right of ſucceſſion, dependent on his will, 242. His regal ſtyle ſettled, 243. Is releaſed by parliament from his debts, contracted by a general loan, *ib.* Requires new loans from his people, and raiſes the value of ſpecie, 244. Extorts a benevolence from his people, *ib.* Invades Scotland, and burns Edinburgh, 245. Concerts an invaſion of France with the emperor, *ib.* Paſſes over to France, and leaves the queen regent, 246. Takes Boulogne, 247. Charles makes a ſeparate war with Francis, *ib.* Returns to England, 248. Subſidies granted him by parliament and convocation, 251. Obtains a parliamentary grant of univerſity revenues, which he declines, *ib.* The groſs flattery of parliament to him, 252. His ſpeech on proroguing it, *ib.* Sends the earl of Hertford with forces over to Calais, 253. Makes peace with France and Scotland, *ib.* His high encomium on the duke of Suffolk at his death, 255. Protects Cranmer againſt the cabals of his catholic courtiers, *ib.* The queen's tender care of him in his illneſs, 258. Orders her to be impeached for hereſy, 259. Her prudent caution in evading this danger, *ib.* Abuſes Wriotheſely on his coming to take the queen to the Tower, 260. Commits the duke of Norfolk, and earl of Surry to the Tower, 262. Trial and execution of Surry, 263. Expedites the proceedings againſt Norfolk, 264. Orders him for execution, *ib.* Dies, 265. His behaviour at his death, *ib.*

The ſucceſſion, how ſettled by his will, 265. His character, 266. The number of parliaments ſummoned by him, 268. His rigorous and contradictory ſtatutes againſt hereſy and treaſon, 269. A recapitulation of his ſtatutes, *ib.* His military laws, 270. Tonnage and poundage arbitrarily levied by him, 272. State of commerce in this reign, 273. His laws to reſtrain the decay of tillage, and throwing lands into paſturage, 277. His attention to the advancement of literature, 279. Liſt of the regency appointed by his will, during the minority of Edward VI. 282.

Henry, prince of Wales, eldeſt ſon of James I. his death and character, vi. 62.

———, biſhop of Wincheſter. See *Wincheſter.*

——— II. of France, his character, iv. 295. His conduct toward the proteſtant league in Germany, *ib.* Makes an ineffectual attempt on Boulogne, 333. His treaty with England for the ſurrender of Boulogne, 342. Agrees to a marriage between his daughter Elizabeth and Edward VI. *ib.* Invades Germany, in favour of Maurice, elector of Saxony, 382. The emperor repulſed from Metz, *ib.* Montmorency defeated at St. Quintin, 434. Calais taken, 435. Requires the queen-dowager of Scotland to take part in his quarrel againſt England, 440. Concludes the marriage between the dauphin and the young queen, Mary of Scotland, *ib.* Peace of Cateau Cambreſis with Spain and England, v. 16. Solicits the excommunication of queen Elizabeth, 19. Orders the dauphin and his queen to aſſume the title and arms of England, *ib.* Is killed at a tournament, 20.

——— III. of France, his character, and firſt views on his acceſſion, v. 211. Grants a peace to the Hugonots, 212. Declares himſelf as head of the catholic league, but is ſuſpected by both parties, *ib.* Loſes the good-will of his ſubjects, 213. Sends a ſplendid embaſſy to Elizabeth, on the intended marriage between her and his brother the duke of Anjou, 241. Declares war againſt the Hugonots, 268. Is defeated by Henry of Navarre, 355. Is driven from Paris, *ib.* Orders the duke of Guiſe and his brother to be aſſaſſinated, 356. Is aſſaſſinated himſelf, 357.

——— IV. of France, his acceſſion, v. 357. Receives aid from queen Elizabeth of England, to oppoſe the catholic league, *ib.* Poſſeſſes himſelf of the ſuburbs of Paris, 358. Battle of Yvré, *ib.* Is diſconcerted by the duke of Parma, *ib.* Receives freſh aſſiſtance from Elizabeth, 359. 361. Motives of his changing his religion, 369. Renounces the proteſtant faith, 370. Declares war againſt Spain, 374. His repreſentations to his allies, reſpecting peace with Spain, 387. Concludes a ſeparate peace, 389. He and queen Elizabeth, unknown to each other, entertain the ſame thoughts of eſtabliſhing a new ſyſtem of policy in Europe, 434. His paſſionate admiration of the picture of queen Elizabeth, 527. Concludes a treaty with James for the ſupport of the United Provinces, vi. 7. Is aſſaſſinated by Ravaillac, 56.

——— IV. emperor of Germany, his diſputes with pope Gregory VII. about the right of inveſtitures, i. 267.

Henry VI. emperor of Germany, obtains poſſeſſion of Richard I. of England, arreſted by the archduke Leopold, ii. 23. His ingnominious treatment of him, 24. Produces and accuſes him before the diet at Worms, 26. Richard's ſpirited anſwer, *ib.* Is threatened by the pope with an excommunication for detaining him, 27. Conſents to releaſe Richard on a ranſom, 28. Richard's narrow eſcape ont of his hands, *ib.*

Heptarchy, Saxon, in Britain, eſtabliſhment of, ii. 26. See *Kent*, *Northumberland*, *Eaſt Anglia*, *Mercia*, *Eſſex*, *Suſſex*, *Weſſex*.

Herbert, attorney-general, impeaches, by the king's order, lord Kimbolton, and the five commoners, vi. 467. Is impeached by the commons for it, 478.

Hereford, Humphry de Bohun earl of, confederates with Leiceſter and other barons againſt Edward I. ii. 182. Is a party in forming the proviſions of Oxford, 183. Is gained over by prince Edward to the royal cauſe, 200. Refuſes to ſerve in the expedition againſt Gaſcony, and his quarrel with the king on the occaſion, 289. Refuſes to attend the king to Flanders, *ib.* A new conſtable appointed in his room for that ſervice, 290. He and the earl of Norfolk preſent a remonſtrance to him at his departure, *ib.* They obtain from parliament a confirmation of the charters and indemnity for themſelves, which are confirmed by the king abroad, 291. Joins in the confederacy of Thomas earl of Lancaſter, againſt Piers Gavaſton, 335.

———, Henry duke of, accuſes the duke of Norfolk in parliament in Richard II's. time, iii. 35. Duel between them ſtopped by the king, 36. Baniſhed for ten years, *ib.* Succeeds his father in the dukedom of Lancaſter, 37. See *Lancaſter*, and *Henry* IV.

Hereſy, an act paſſed in the reign of Richard II. enjoining ſheriffs to apprehend the preachers of, iii. 54. Repealed, 55, The repeal ſuppreſſed by the clergy, *ib.* The law of the ſix articles for aboliſhing, paſſed, iv. 194. See ARTICLES.

———, perſons burnt for, William Sautree, iii. 65. A Lollard, 81. James Bainham, iv. 132. Thomas Bilney, 133. Lambert, 193. Four Dutch anabaptiſts, *ib.* Dr. Barnes, Jerome, and Gerard, 212. Abel, Fetherſtone, and Powel, 213. Patrick Hamilton, in Scotland, 214. Anne Aſcue, Nicholas Belenain, John Laſſels, and John Adams, 258. Wiſhart the Scots reformer, 297. Joan Bocher, and Van Paris, 324. Rogers, prebendary of St. Paul's, 411. Hooper, biſhop of Glouceſter, 412. Sanders, *ib.* Taylor, parſon of Hadley, *ib.* Philpot, archdeacon of Wincheſter, 413. Ferrar, biſhop of St. David's, 414. Ridley, biſhop of London, and Latimer of Worceſter, *ib.* Hunter an apprentice, 415. Thomas Hawkes, *ib.* A woman at Guernſey and her infant, *ib.* An expreſs commiſſion iſſued more effectually to extirpate it, 419. A proclamation rendering the poſſeſſion of heretical books capital, *ib.* An eſtimate of the number of perſons burnt, *ib.* Archbiſhop Cranmer burnt, 430. Walter Mill in Scotland, v. 23. Two Arians, by James I. vi. 163. A madman, *ib.*

Heretics, old law for burning of, repealed, viii. 332.

Hereward, an East Anglian nobleman, assembles his followers, and shelters himself in the isle of Ely, i. 250. Reduced by William the Conqueror, and received into favour, 261.

Heriot, in the Anglo-Saxon law, what, i. 225, *note*.

Herries, lord, is sent by Mary queen of Scots, then in England, to Elizabeth, to express her readiness to justify herself as to her husband's murder, v. 132. His fluctuating conduct in this negociation, 133. Is appointed by Mary one of the commissioners in this cause, 134. Refuses to answer Murray's allegations against Mary, at Hampton-court, 140. He and his associates break up the conference, 143. Elizabeth's reply to them, 144.

Herrings, battle of, between Sir John Fastolff, and the count of Dunois, iii. 140.

Hertford, earl of, son of the protector Somerset, is privately married to the lady Catharine Gray, v. 61. Is with his lady committed to the Tower, 62. Is prosecuted in the star-chamber, *ib.* Is released on his wife's death, *ib.*

———, marquis of, anecdotes of his life, vi. 502. Is made governor to the prince, *ib.* Raises forces for the king, and is named general of the western counties, *ib.* Is sent with prince Maurice into the west, 518. Battle of Lansdown, *ib.*

Hexham, battle of, between Montacute brother of the earl of Warwick, and the Lancastrians, iii. 224.

Heyle, serjeant, his extraordinary assertion of the legal prerogative in the house of commons, in the reign of queen Elizabeth, v. 532.

Hialas, Peter, sent ambassador from Ferdinand, king of Arragon, to Henry VII. to negociate a marriage between Prince Arthur and the Infanta Catharine, iii. 377. Negociates a truce between Henry and James IV. of Scotland, *ib.*

Hickes, Dr. his account of a Saxon fodalitium or compact, i. 206.

High commission, or ecclesiastical commission, origin of that court, v. 262. Its great power and arbitrary exertion of it, 263. Its powers extended by the queen, 265. 454. The commons remonstrate against this court, vi. 54. One established in Scotland, 89. A review of the offences cognizable by this court, 158. Its authority moderated by James I. *ib.* Is abolished in Scotland by the general assembly, 334. Is abolished in England by parliament, 420. Is revived by king James II. viii. 267.

Highlanders, and Irish, the same people, i. 473. Came originally from the Irish, *ib.*

Highways, the first toll mentioned for repairing, ii. 496. The first general law for the repair of, by parish duty, iv. 449.

Historians, monkish, a character of, i. 28.

History, ancient, causes of its uncertainty pointed out, i. 1. 18.

Hobbes, a character of his philosophy, and politics, vii. 346. His death, *ib.*

Hobby, Sir Philip, is employed by the protector Somerset to solicit an alliance with the emperor Charles V. but fails, iv. 333. His account of his negociation, 334.

Holgate, archbiſhop of York, is impriſoned on the acceſſion of queen Mary, iv. 376.

Holland. See *Netherlands*, and *United Provinces*.

Hollingſhed, his account of the manner of living among the common people juſt preceding his time, iv. 449. Curious remarks by him of the growth of luxury, 462.

Hollis, forcibly detains the ſpeaker of the houſe of commons in his chair, until a remonſtrance is paſſed againſt tonnage and poundage, vi. 275. His ſentence by the court of king's-bench, 276. Is impeached by the king, 467. Propoſes the declaring the generals of the parliamentary army traitors, vii. 131. Is made a lord by Charles II. 350. When ambaſſador at Paris, endeavours to make the French take part with the Engliſh againſt the Dutch, 404. Is ſent ambaſſador, to treat with the Dutch at Breda, 419. Agrees to favour the intrigues of France, but refuſes to accept a bribe, viii. 43. *note*.

Holloway, a merchant of Briſtol, is executed for the duke of Monmouth's conſpiracy, viii. 198.

Holmes, Sir Robert, his expedition againſt the Dutch ſettlements, vii. 399. Burns a fleet of Dutch ſhips in harbour, 414. His attempt on the Dutch Smyrna fleet, 478.

Holy Land. See *Cruſades*.

Homeldon, battle of, between the Piercies and the earl of Douglas, iii. 68.

Homilies, twelve, publiſhed to be read to the people, iv. 291. Biſhop Gardiner's objections to them, 293. The ſlaviſh principles inculcated in them, v. 468.

Honorius, pope, his avaricious demands on the clergy, ii. 169.

Hooper, biſhop of Glouceſter, is impriſoned on the acceſſion of queen Mary, iv. 376. Is cruelly burnt for hereſy, 412. An account of his ſcruples at conſecration, and the compromiſe he obtained, v. 150.

Hops, the planting of, much increaſed in the reign of James I. vi. 183.

Hopton, Sir Ralph, reduces Cornwal for Charles I. vi. 515. Is defeated at Torrington, vii. 62.

Horn-caſtle, battle of, between the earl of Mancheſter and the royaliſts, vi. 535.

Horſes, forbid to be exported by Henry VII. iii. 401.

Hoſpitality, cauſes and effects of the decay of, in England, v. 487.

Hotham, Sir John, is by the houſe of commons made governor of Hull, vi. 479. Refuſes the king admittance into Hull, 489. Is detected in an intention of giving up the place, and is, with his ſon, ſent up to London and executed, 535.

Hotſpur. See *Piercy*.

Howard, Sir Edward, admiral, ſon of the earl of Surrey, deſtroys Barton the Scots pirate, iii. 425. Ravages the coaſt of France, 431. Is killed in an engagement in Conquet harbour, *ib*. His idea of naval courage, *ib*. *note*.

———, lord, commands the main body of the Engliſh army at the battle of Flouden, iii. 438. Created earl of Surry, 440.

———, lady Catharine, becomes the object of the affections of Henry VIII. on his diſguſt againſt Anne of Cleves, iv. 207. Is married to Henry, 211. Is accuſed to the king of incontinency, 218. Her confeſſion,

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ſeſſion, 219. Is attainted by parliament, 220. Beheaded with the viſcounteſs of Rocheford, 221.

Howard, lady Frances, is married to the earl of Eſſex, vi. 67. Receives him from his travels with obſtinate diſguſt, *ib.* Contracts a familiarity with Carre viſcount Rocheſter, *ib.* Procures the diſgrace of Sir Thomas Overbury, 68. Is divorced and married to Carre, then earl of Somerſet, 70. Procures Overbury to be poiſoned, *ib.* Is found guilty of Overbury's death, 77. Is pardoned, 78. Dies in obſcurity, *ib.*

———, lord, one of the cabal of ſix, his evidence againſt lord Ruſſel, viii. 190. Gives evidence againſt Algernon Sidney, 197; and againſt Hambden, 198.

Hubert, archbiſhop of Canterbury, and chief juſticiary, puniſhes Fitz-Oſbert, a licentious lawyer, ii. 37. Aſſiſts John, in his claim to the ſucceſſion on Richard's death, 41. Summons a ſynod by his legatine authority, 56. Dies, 57.

———, a ſervant of earl Bothwel, is executed for the murder of Darnley, and charges queen Mary with being acceſſary to it, v. 142.

——— de Burgh, chief juſticiary, is choſen joint protector of the realm with the biſhop of Wincheſter, on the death of the earl of Pembroke, ii. 152. Takes Rockingham caſtle on the earl of Albemarle's rebellion, 153. Executes Conſtantine Fitz-Arnulf and his aſſociates for a rebellious riot in London, 154. Obtains of the pope a bull, declaring Henry III. of age for government, 155. His character, 159. His removal from the miniſtry, and ſubſequent viciſſitudes, 160.

Hudibras, the event on which that poem was founded, vii. 332. Character of that performance, viii. 337.

Hudſon's Bay company, its charter when firſt granted, viii. 329.

Hugonots, or French proteſtants. See *Condé*; *Coligni*; *Navarre*, Anthony king of; *Guiſe*; *Medicis*, Catharine de; *Montmorency*, &c.——Battle of Dreux, 572. Battle of St. Dennis, and ſiege of Chartres, 186. The court agrees to an accommodation, *ib.* A ſcheme formed for ſeizing the prince of Condé and the admiral Coligni, *ib.* Battle of Jarnac, and death of Condé, *ib.* Battle of Moncontour, 188. Charles marries his ſiſter to the prince of Navarre, 205. The queen of Navarre poiſoned, *ib.* Maſſacre of Paris, *ib.* Are calumniated at foreign courts to palliate theſe barbarities, 206. Take arms again, 209. Make peace with Henry III. 212. The catholic league formed againſt them by the duke of Guiſe, *ib.* War declared againſt them again, 268. Aſſiſtance ſent to the king of Navarre by Elizabeth, 355. The Engliſh ſhips ſent againſt Rochelle deſert, vi. 208. The Dutch aſſiſt the French in reducing that town, 209. Rochelle reduced, 263. A toleration continued to them, *ib.* Are perſecuted and driven out of France by the revocation of the edict of Nantz, viii. 243.

Hull, a magazine formed there by the parliament, and Sir John Hotham appointed governor, vi. 479. The king refuſed admittance into, 489.

Hume, lord, procures the regency of Scotland to be conferred on the duke of Albany, iv. 6. Is traduced to the regent, 7. Makes war againſt the regent, and is put to death, 8.

Hume, Sir David, aſſaſſinates Darcy, warden of the marches in Scotland, iv. 8.

———, lord, joins a confederacy of Scotch nobles, to protect prince James againſt the attempts of Bothwel, and to puniſh the murderers of Darnley, v. 119. Surrounds Mary and Bothwell in Borthwic caſtle, who eſcape from him, *ib.*

———, lord, ſigns a proteſtation againſt the liturgy in Scotland, vi. 329.

Hunter, an apprentice, burnt for hereſy, iv. 415.

Huſbandry, remarks on the regulations to promote it, enacted by Henry VII. iii. 403.

Huſs, John, burnt for hereſy by the council of Conſtance, iii. 119.

Hyde, Sir Edward, is made chancellor, and created earl of Clarendon, vii. 351. See *Clarendon*.

J

JAMAICA, the iſland of, taken from the Spainards by Pen and Venables, vii. 255.

James I. of England, an examination into his pretenſions to the crown, vi. 1. His ſucceſſion admitted by Elizabeth on her death-bed, 2. Forbids the reſort of people to him on his journey to London, 3. His profuſe diſtribution of titles, *ib.* His partiality to his countrymen, *ib.* Receives embaſſies of congratulation, 6. Concludes a treaty with France, for the ſupport of the United Provinces, 7. A conſpiracy againſt him detected, 8. Summons a conference of divines at Hampton-court, on points of faith and religious diſcipline, 10. Why averſe to the puritans, 11. His behaviour at the conference, 13. His reply when ſolicited in favour of propheſyings, 14. Summons a parliament, *ib.* Orders that no out-law ſhall be choſen, 18. Orders the commons to confer with the judges concerning the election of Sir Francis Goodwin, an out-law, 19. Compromiſes the affair with them, *ib.* His miſtaken notions of government and regal prerogative, 22. Calls in and annuls all patents for monopolies, 23. Public ſpirited attempts of the commons, 24. Is deſirous of an union between the two kingdoms, 25. The commons backward in granting ſupplies to him, 26. Prorogues the parliament, 27. Concludes a peace with Spain, *ib.* His eagerneſs for a ceſſation of hoſtilities, 28. Why ignorant of foreign politics, 29. Is ſtrict in executing the penal laws againſt papiſts, 30. Hiſtory of the gunpowder conſpiracy, 31. Receives obſcure hints of it, 34. His ſpeech to parliament on this occaſion, 38. His religious ſentiments explained, *ib.* Remarks on his ſpeech in favour of the projected union of the two kingdoms, 40. Aſſumes the ſtile of king of Great Britain, 42. Checks the commons in an intended petition againſt popiſh recuſants, and for lenity toward the puritans, 43. Lays open his neceſſities to parliament, but is mortified with a refuſal of ſuitable ſupplies, 46. Cauſes of the preſent poverty of the crown, 47. How induced to arbitrary exertions of his prerogative, 49. A ſpirit diſcoverable among the commons for reforming the conſtitution on free principles, 51. Owns proclamations

proclamations not to be equal to laws, but pleads precedents and utility for them, 52. Enters into a treaty for relinquiſhment of wardſhips and purveyance, 54. His pleaſant conceit on the occaſion, *ib. note.* Procures Vorſtius, an Arminian profeſſor of divinity, to be baniſhed from the United Provinces, 57. How induced at length to alter his opinion of the abſolute decrees of God, 166. Founds a college at Chelſea for the refutation of papiſts and puritans, 167. His plan for the civilizing Ireland, 58. Death and character of Henry prince of Wales, 62. Marries the princeſs Elizabeth to the elector Palatine, 63. His rapid promotion of Robert Carre, a young Scots gentleman, 64. Undertakes his education, *ib.* Unites the families of Howard and Devereux by marriage, 66. Is prevailed on to procure the divorce of lady Eſſex, 69. Creates Carre earl of Somerſet, 70. Raiſes money by the ſale of titles, 71. Calls a parliament, *ib.* Diſſolves it in anger, and impriſons ſome of the members, 73. Inſtances of his indiſcretion in political converſation, 74. Young George Villiers introduced to him, 76. Makes Villiers his cup-bearer, *ib.* Is informed of the ſecret of Sir Thomas Overbury's death, 77. Orders a ſtrict inquiry into the affair, *ib.* Pardons Somerſet and his lady, 78. His conduct in this inſtance extenuated, 79. Creates Villiers duke of Buckingham, *ib.* and lord high admiral, *ib.* Delivers up the cautionary towns to the Dutch for money, 80. His motives to this compoſition explained, *ib.* Propoſes to viſit Scotland, 83. His former endeavours to eſtabliſh epiſcopal authority in Scotland, 84. Propoſes to the Scots parliament a law, for the government of the church to be veſted in him and the biſhops, 89. Is forced to drop the act, 90. Summons a meeting of Scots biſhops and clergy at St. Andrews, *ib.* Is referred by them to a general aſſembly, *ib.* Reluctance of the general aſſembly in admitting the ceremonies enjoined by him, *ib.* Allows, by proclamation in England, ſports and exerciſes on the Sunday, 92. Releaſes Sir Walter Raleigh, and grants permiſſion for his expedition to Guiana, 94. Executes Raleigh on his return, 99. Why he refuſed to acknowledge the elector palatine as king of Bohemia, 103. The nation diſcontented at his inactivity in the elector's cauſe, 104. Obtains ſupplies from parliament, 107. His reply to the repreſentation of grievances, 108. Fall of the chancellor Bacon, 109. Prorogues the parliament, 110. Recalls his patents for monopolies, and redreſſes grievances, 111. The commons remonſtrate to him in favour of the elector palatine, and againſt the Spaniſh match, 112. Reproves the houſe for this meaſure, 113. They repeat their remonſtrance, 114. His behaviour to the committee who preſent it, 115. Tears the proteſtation of the commons out of their journals, 116. Diſſolves the parliament, and puniſhes the leaders of the oppoſition, *ib.* The remarks of both parties on theſe diſputes between him and the parliament, 118. Negociates with the emperor in favour of the elector palatine, 122. Perſuades him to ſubmiſſion, 124. His want of ſpirit ridiculed abroad, *ib.* His efforts to conclude the Spaniſh match, *ib.* His conſent obtained for prince Charles's journey to Spain, which he repents afterwards, 130. Is bullied by Buckingham into compliance, 331. Conceſſions in favour of the catholic religion made by him in the marriage treaty, 135.

Yields to Buckingham's oppoſition to the match, 137. Aſſents to Buckingham's inſincere repreſentation of the affair to parliament, 141. Agrees to a war with Spain, 142. Endeavours to juſtify the earl of Middleſex, impeached by the commons, 144. Begins to eſtrange himſelf from Buckingham, 146. Receives intimations of Buckingham's ſchemes from the Spaniſh ambaſſador, 147. Sends forces to aſſiſt the Dutch againſt Spain, 149. Enters into a treaty for the marriage of Charles with the princeſs Henrietta of France, *ib.* Undertakes the recovery of the palatinate, but to no purpoſe, 151. Dies, 153. His character, *ib.* Character of his queen, 154. The number of peers created by him, *ib.* His moderation in cauſes tried before the court of high commiſſion, 158. Two Arians burnt in this reign, 163. A review of manners during this reign, 166. Diſcouraged the gentry living in town, 169. Inſtance of his liberality, 173. His attention to the navy, 180. His averſion to tobacco, 188. His character as a writer, 196. His reaſon for expelling Toby Matthews from the houſe of commons, 550. His notions of the regal power, from his book of *The true laws of free monarchies*, 553. Inquiry into his conduct in the caſe of Sir Walter Raleigh, 555. Remarks on his adminiſtration in general, 560. Is acknowledged by parliament to have allowed more freedom of debate than any of his predeceſſors, 566. The general notions of the Engliſh government at this time, *ib.* Teſtimony of the advantages derived from his peaceable diſpoſition, 568.

James II. his acceſſion and firſt profeſſions, viii. 215. Orders by proclamation a continuance of the cuſtoms and exciſe, 216. Goes publicly to maſs, 217. Sends an agent to the pope, *ib.* His reception of the excluſioniſts, 218. His attachment to Mrs. Sedley, 219. Summons a parliament, 220. His ſpeech to parliament on the ſubject of his revenue, *ib.* Receives a grant of his revenue during life, 224. Monmouth's rebellion ſuppreſſed, 229. His undiſguiſed and peremptory language to parliament, 239. Prorogues, and after diſſolves it, 242. Remarks on his imprudence with reſpect to religion, *ib.* His reſolute exertion of the diſpenſing power, 244. Endeavours to eſtabliſh it by the caſe of Sir Edward Hales, *ib.* Diſplaces four judges, 247. Brings four popiſh lords into the privy-council, 250. His violent meaſures for the eſtabliſhment of popery in Ireland, 251. Revives the court of high commiſſion, 254. Iſſues a declaration of general indulgence, and ſuſpends the penal laws againſt nonconformity, 256. Suſpends all penal laws in eccleſiaſtical affairs, and grants a general liberty of conſcience, 257. Pays court to the diſſenters, 258. Sends a ſolemn embaſſy to Rome, 260. Four catholic biſhops conſecrated, 262. Diſſolves the parliament, *ib.* Recommends a Benedictine to a degree at Cambridge, 264. His conteſt with Magdalen-college, 265. Repeats his declaration of indulgence, and orders it to be read in churches, 267. Commits ſix biſhops, with the primate, to the Tower, for petitioning againſt the declaration of indulgence, 269. Orders Gifford, doctor of the Sorbonne, to be elected preſident of Magdalen-college, 273. Birth of the prince of Wales, *ib.* Applies to the prince of Orange for his concurrence in his ſchemes, 279. Shews his diſpleaſure againſt the Dutch,

281.

281. Is informed by Lewis XIV. of the prince of Orange's ſchemes, 287. Diſavows Lewis's memorial to the States in his favour, 289. His army and navy become diſaffected and mutinous, *ib.* Retracts his meaſures, 291. The prince of Orange lands at Torbay, 294. His chief officers and ſoldiery deſert him, 295. Is deſerted by prince George of Denmark, and the princeſs Anne, 296. His conſternation at his misfortunes, 297. Iſſues writs for a new parliament, and ſends commiſſioners to treat with the princeſs of Orange, 298. Sends away the queen and prince, and flies, 301. Is ſeized by the populace, and brought back to London, 303. Embarks for France, 305. His character, *ib.*

James, ſon of Robert king of Scotland, afterwards James I. taken priſoner and educated by Henry IV. of England, iii. 75. His father dies, *ib.* Carried to France by Henry V. 114. Reſtored by the duke of Bedford, 128. Murdered, 129.

——— II. of Scotland, general view of his conduct, iii. 220. How killed, *ib.*

——— III. of Scotland, his character, iii. 332. Enters into a ſeven years truce with Henry VII. 333. Murdered, 352.

——— IV. of Scotland, ſucceeds on the murder of his father, iii. 352. Receives Perkin Warbec, and marries him to a Scots lady, 371. Invades England in conjunction with Perkin, *ib.* Makes a truce with Henry VII. and ſends Perkin away, 378. Marries Margaret, eldeſt daughter of Henry VII. 386. Sends a fleet to aſſiſt the French againſt Henry VIII. 426. Ravages Northumberland, 437. Loſes his time with lady Ford, *ib.* Defeated, and ſuppoſed to be killed at the battle of Flouden, 439.

——— V. of Scotland is withdrawn by his mother Margaret from the power of the duke of Albany, regent of Scotland, iv. 7. Flies from the power of the earl of Angus, 125. Takes the government into his own hands, *ib.* Refuſes to concur with his uncle Henry of England in ſhaking off the yoke of Rome, 124. Aſſiſts Francis againſt the emperor, 145. Is married to Francis's daughter Magdalen, 146. Death of queen Magdalen, *ib.* Is betrothed to the ducheſs-dowager of Longueville, whom Henry notwithſtanding ſolicits in marriage, 201. She is ſent to Scotland, *ib.* Is perſuaded by Henry to join him in his religious innovations, 216. His clergy diſſuade him, *ib.* Henry publiſhes a manifeſto againſt him, 227. Sir Robert Bowes defeated by the lords Hume and Huntley, 228. Is diſconcerted in his operations by the diſaffection of his nobility, 229. Removes lord Maxwell, and appoints Oliver Sinclair general of this army, *ib.* Battle of Solway, *ib.* His death and character, 230.

———, prince, ſon of Mary queen of Scotland and her huſband lord Darnley, born, v. 100. Is protected, by an aſſociation of nobility, from the attempts of Bothwell, to get him into his power, 118. His mother forced to reſign the crown, 124. See the next article.

——— VI. of Scotland proclaimed and crowned, an infant, v. 125. His party openly eſpouſed by queen Elizabeth, 202. 209. The earl of Morton reſigns the regency to him, 231. Count d'Aubigney is ſent by

the duke of Guiſe to detach him from the Engliſh intereſt, *ib.* Creates d'Aubigney earl of Lenox, 232. Is ſeized by an aſſociation of the nobility from out of the hands of Lenox and Arran, 248. Summons a parliament and convention of eſtates, *ib.* Receives an embaſſy from Elizabeth, 249. Is induced to diſſemble his reſentment at his detention, 250. Makes his eſcape, and ſummons his friends to attend him, 254. Walſingham ſent by Elizabeth to diſcover his true character, 255. Summons a parliament, 256. Writes a copy of verſes in praiſe of Sir Philip Sidney, 277. Eſcapes from the artifices of the Engliſh ambaſſador, Dr. Wotton, 279. Concludes a league with Elizabeth for their mutual defence, *ib.* Licentiouſneſs of his clergy, 280. Remonſtrates to queen Elizabeth againſt the execution of his mother, 321. His behaviour on this event, 323. Prepares to aſſiſt Elizabeth againſt the Spaniſh invaſion, 336. Marries a daughter of Denmark, 352. Goes over to Norway to fetch his bride, 353. Philip of Spain excites conſpiracies againſt him, 371. Drives the catholic lords who combined againſt him out of the kingdom, 373. Negociates to enſure his ſucceſſion to England, 421. Sends an embaſſy to Elizabeth on the ſuppreſſion of Eſſex's inſurrection, 432. Is appointed heir to the Engliſh crown by Elizabeth, 447. See *James* I. of *England*.

Jane Gray, lady. See *Gray*.

Jaqueline, counteſs of Hainault. See *Hainault*.

Jarnac, battle of, between the duke of Anjou and prince of Condé, v. 186.

Icon Baſilike, of Charles I. an enquiry into its authenticity, vii. 153. A character of the work, 154.

Ida, the Saxon prince, arrives in Britain, conquers Northumberland, and founds the kingdom of Bernicia, i. 25.

Jefferies, lord chief juſtice, procures the conviction of Algernon Sidney, viii. 187. His cruelty towards thoſe who had engaged in Monmouth's rebellion, 233. Is rewarded with the chancellorſhip and a peerage, 236. Is appointed one of the commiſſioners on the revival of the court of high commiſſion, 254, *note*. Declines in favour by his adherence to the proteſtant faith, 264. Is killed by the mob, 302.

Jephſon, colonel, makes a motion in parliament for giving Cromwell the title of king, vii. 269.

Jergeau, the earl of Suffolk, beſieged and taken priſoner there, iii. 149.

Jerome of Prague burnt for hereſy by the council of Conſtance, iii. 119.

Jeruſalem, conquered by the Mahometan Arabs, i. 293. Maſtered by the Turks, *ib.* Their depredations on the Chriſtian pilgrims the firſt riſe of cruſades, *ib.* See *Cruſades*. Taken by the cruſaders, 311. Godfrey of Bouillon made king of, 312.

Jeſuits, the motives of the eſtabliſhment of that order, v. 237. Character of, *ib.* Campion and Parſons ſent into England, 238. Campion executed, 239. Five executed for the popiſh plot, viii. 110.

Jews, a character of that people, ii. 3. How they came to practiſe uſury, *ib.* Forbidden by an edict to appear at the coronation of Richard I. *ib.* A maſſacre of, *ib.* The great oppreſſions exerciſed againſt them under the Anglo-Norman kings, 136. A maſſacre and plunder of, encouraged by

by Fitz-Richard, mayor of London, ii. 198. Extortions practiſed upon them during the reign of Henry III. 225. The pretences made uſe of to oppreſs them, 226. Are accuſed of adulterating the coin, and cruelty uſed by Edward I. 236. Baniſhed by him, and robbed and perſecuted at the cinque-port towns, 237.

Images, when they began to be worſhipped, i. 65.

Impriſonment, arbitrarily inflicted by officers of ſtate during the reign of queen Elizabeth, v. 456. 465. See *Petition* of right.

Ina, king of Weſſex, his wife and glorious reign, i. 54. Bequeaths his kingdom to Adelard, his queen's brother, 55.

Incident in Scotland, an account of, and its effects, vi. 428.

Incloſures, obſervations on the law of Henry VII againſt, iii. 403. An inſurrection in Northamptonſhire, for the deſtruction of, vi. 44.

Independents, riſe and character of that party, vii. 18. Is the firſt Chriſtian ſect which admitted of toleration, 20. Adopt republican principles, 21. Form a party in parliament againſt the preſbyterians, *ib.* Reduce the parliament under ſubjection to the army, 104. Affront the Scots commiſſioners on their departure, 115. Obtain the entire command of the parliament, by the violent excluſion of the preſbyterian members by the army, 131.

Indies. See *Eaſt and Weſt*.

Indulgence, the declaration of, publiſhed by king Charles II. vii. 387. Repeated, 476. Recalled, 504. A general declaration of, publiſhed by James II. viii. 256. Is repeated, and ordered to be read in churches, 267.

Indulgencies, from what motives the ſale of them promoted by pope Leo X. iv. 33. The produce from, how applied by him, 34. Licentious conduct of the venders of them, *ib.* The ſale of, preached againſt by Martin Luther. See *Luther* and *Reformation*. A large cargo of, taken on board two Spaniſh ſhips, v. 362. Not productive of a total diſſolution of morality, 451.

Induſtry, inquiry into the cauſes of the low ſtate of, in the time of Henry VII. iii. 403.

Infantry, Swiſs, their advantages over the heavy-armed cavalry in uſe at the time of Henry VIII. iii. 432.

Innocent III. pope, his character, and ſtate of the papacy, at his promotion, ii. 56. Levies a fortieth of eccleſiaſtical revenues for the relief of the Holy Land, *ib.* His conduct on the double election of Reginald and John de Gray to the ſee of Canterbury, 58. Sets both of them aſide, and appoints cardinal Langton to be primate, 60. His myſterious preſent to John to pacify him, *ib.* Lays the kingdom under an interdict on account of John's oppoſition, 62. Excommunicates the emperor Otho, 66. Publiſhes a cruſade againſt the Albigenſes, *ib.* Excommunicates John, 67. Abſolves John's ſubjects from their allegiance to him, 68. Offers John's kingdom to Philip of France, 69. His private inſtructions to Pandolf, his legate to Philip, 70. Takes off his interdicts, 76. Inclines to favour John againſt his barons, 81. Is applied to by John, complaining of his being forced to grant the great charter by his barons, 91. Annuls the charter by a bull, 92.

Innocent

Innocent IV. pope, calls a general council at Lyons, to excommunicate the emperor Frederic, ii. 170. His claims of eccleſiaſtical revenues, *ib.* Offers the kingdom of Sicily to Richard earl of Cornwall, who refuſes it, 171.

Inoioſa, the Spaniſh ambaſſador, gives James I. a paper, diſcovering the ſchemes of the duke of Buckingham, vi. 147.

Inſtitution of a Chriſtian man, a treatiſe ſo called, wrote and publiſhed by Henry VIII. iv. 223.

Intercurſus magnus, or great treaty of commerce, concluded between England and the Flemings, iii. 378.

Intereſt of money, when firſt regulated by law, iv. 278. Declared illegal by parliament, 354. The rates of, how limited in England and France in the time of queen Elizabeth, v. 483. The rates of, in the reign of James I. vi. 172.

Inveſtitures, diſpute between pope Gregory VII. and the emperor Henry IV. concerning, i. 267. Between pope Paſcal II. and Henry I. of England, 326. Artifices of the popes, to annex the privileges of, to the papacy, ii. 59.

Joan D'Arc, commonly called the *Maid of Orleans*, her hiſtory previous to her public actions, iii. 142. Becomes inſpired with a deſire to aſſiſt Charles VII. oppreſſed by the Engliſh, *ib.* Applies to the governor of Vaucouleurs, who ſends her to the king, 143. Offers to raiſe the ſiege of Orleans, *ib.* Examined by the theologians and parliament, 144. Entruſted with the command of a convoy to ſupply Orleans, 145. Enters Orleans with ſafety, 146. Another convoy enters unmoleſted, *ib.* Drives the Engliſh from one of their poſts, 147. Maſters two others, 148. Wounded, *ib.* The beſiegers retire, 149. Takes Jergeau, whither the earl of Suffolk had retired, by aſſault, *ib.* The probable ſhare ſhe had in theſe enterprizes, 150. Attends the coronation of Charles at Rheims, 152. General terror which the reports of her raiſed, *ib.* Inclines to return home, but is detained by Dunois, 154. Goes to the aſſiſtance of Campeigne, and is taken priſoner, *ib.* Review of her conduct, 155. Tried for ſorcery, 156. Interrogatories put to her, 157. Condemned, *ib.* Recants her pretenſions to inſpiration, 158. Burnt, *ib.*

John, fourth ſon of king Henry II. his father's kind intentions in his favour, i. 434. Sent to reduce Ireland without effect, 453. His father's grief on finding him a party in his brother Richard's revolt, 462. The bounty of his brother Richard I. to him, ii. 2. Marries Aviſa, daughter of the earl of Glouceſter, *ib.* Summons a council at Reading, in his brother Richard's abſence, to oppoſe the tyranny of Longchamp, biſhop of Ely, guardian of the realm, 17. Is ſeduced from his allegiance by the offers of Philip of France, *ib.* Abets Philip's invaſion of Normandy, 24. Claims the kingdom of England, as heir to his brother, whom he reported to be dead, 25. Returns to France, and openly acknowledges his alliance with Philip, *ib.* All his poſſeſſions in England forfeited on account of this treaſon, 29. The laconic letter ſent him by Philip on Richard's releaſe, 30. His treacherous conduct to Philip, previous to his ſubmitting to his brother, 31. Retroſpect of his meaſures

to ſecure the ſucceſſion, while his brother was abſent in Paleſtine, 40. His acceſſion to the crown on Richard's death, 41. Concludes a peace with Philip, 42. Procures a divorce from his wife, and eſpouſes Iſabella, daughter of the count of Angouleme, who had been married to the count de la Marche, 43. His nobles refuſe to attend him to quell the commotions in France, without a confirmation of their privileges, *ib.* But are intimidated by him, 44. Incenſes the Norman barons againſt him, *ib.* Violates his engagements to Philip, 45. Takes young Arthur, duke of Britanny, priſoner, with the count de la Marche, and other Norman barons, 46. His conference with Arthur, 47. Kills him, *ib.* Generally deteſted for this cruel act, 48. Is ſummoned before Philip to anſwer for this murder, and, on non-appearance, ſentenced to forfeit all his royalties in France, 49. Beſieges Alençon, but obliged to abandon it by the addreſs of Philip, *ib.* Reſigns himſelf to a ſtupid inactivity, 50. Flies over to England on the taking of Chateau Gaillard, 53. The poſſeſſion of Normandy recovered by the French, 54. Oppreſſes his barons for deſerting him in Normandy, *ib.* Makes ineffectual preparations for recovering Normandy, 55. Makes a diſgraceful expedition to Rochelle, *ib.* Remarks on the tendency of his behaviour, *ib.* His conduct on the clandeſtine election of Reginald to the ſee of Canterbury, 57. Procures John de Gray, biſhop of Norwich, to be elected, 58. Appeals to the pope on the occaſion, *ib.* His rage on the pope's ſetting aſide both competitors, and appointing cardinal Langton to the primacy, 61. Expels the monks of Chriſt-church, *ib.* Is threatened with an interdict, 62. His oppoſition and incapacity to ſupport it, *ib.* The kingdom interdicted, and the immediate conſequences of it, *ib.* His retaliation, 64. His cruel treatment of William de Braouſe's wife and ſon, 66. Is excommunicated, *ib.* His treatment of Geoffrey, archdeacon of Norwich, 67. His biſhops withdraw themſelves out of the kingdom, 68. Is deſerted by his nobility, *ib.* Propoſes a conference with Langton, but his terms rejected by him, *ib.* His ſubjects abſolved from their allegiance to him, *ib.* His kingdom offered by the pope to Philip of France, who prepares an armament to take poſſeſſion of it, 69. Aſſembles his vaſſals at Dover, to oppoſe him, 70. Is prevailed on by the legate Pandolf, to ſubmit to the pope, *ib.* Reſigns his kingdom to the pope, 71. His mean homage to Pandolf, 72. His cruel reſentment to Peter of Pomfret, 73. Propoſes an invaſion of France, but is deſerted by his barons, 74. His abject ſubmiſſions to Langton and the prelates who returned with him, 75. The exorbitant claims of reſtitution by his clergy, 76. The interdict taken off, *ib.* Makes a fruitleſs expedition to France, 77. His barons confederate for a renewal of their charter of liberties, 79. Their formal demand thereof, 80. Yields the right of inveſtitures to his clergy to attach them to him, *ib.* Appeals to the pope againſt his barons, 81. Refuſes to grant their demands, *ib.* They commence hoſtilities againſt him, 82. He ſigns the great charter of Engliſh liberties, 84. Makes farther conceſſions to them, 89. Twenty-five barons appointed conſervators of this charter, 90. Takes ſecret meaſures to oppoſe his barons, and applies to the pope, 91. Receives forces from abroad, with the pope's

pope's bull againſt the great charter, 92. Beſieges and takes the caſtle of Rocheſter, 93. His cruel treatment of the garriſon, and devaſtation in the open country, *ib.* The barons offer the kingdom to Lewis, ſon of Philip of France, 94. Is defeated by the French ſoldiers on the arrival of Lewis, 95. Dies, 97. His character, *ib.* His children, 98. Granted the firſt charter to the city of London, 99. His cruel extortion of money from a very rich Jew, 226.

John, king of France, ſon of Philip de Valois, puts the conſtable d'Eu to death, ii. 450. Seizes Charles, king of Navarre, and impriſons him, 451. Is defeated and taken priſoner at Poictiers, by prince Edward, 458. Is nobly treated by Edward, 459. Is carried to London, 460. Concludes a diſhonourable treaty with Edward, which is diſclaimed by the dauphin, 465. Recovers his liberty by the treaty of Bretigni, 469. Ratifies this treaty at Calais, 470. Returns to England and dies, 471.

———, Don, of Auſtria, is appointed governor of the Low Countries, on the death of Requeſens, v. 219. Is forced to agree to the treaty called the pacification of Ghent, *ib.* Breaks this treaty, and ſeizes Namur, 220. Projects a marriage with Mary queen of Scots, *ib.* Gains an advantage over the Flemings at Gembloux, 222. Is poiſoned, as ſuppoſed, by Philip, *ib.*

———, III. duke of Britanny, marries his brother's daughter, as his heireſs, to Charles de Blois, ii. 415.

John of Gaunt. See *Lancaſter.*

Johnſon compared with Shakeſpeare as a dramatic writer, vi. 192.

Jones, colonel, contributes to the defeat of Charles I. at Cheſter, vii. 61.

———, Inigo, is proſecuted by the parliament, for aſſiſting in rebuilding the cathedral of St. Paul, vii. 341.

Joſeph, Michael, inſtigates an inſurrection in Cornwal againſt Henry VII, iii. 373. Defeated and executed, 376.

Journals of the houſe of commons, when they firſt began to be regularly kept, vi. 44.

Joyce, cornet, ſeizes king Charles I. at Holdenby, and carries him to the army, vii. 88.

Ireland, an expedition againſt, undertaken by Henry II. i. 423. State of, at that time, 424. Its diſtinct ſovereignties, 425. Granted to Henry II. by pope Adrian III. 426. See *Dermot*, *Strongbow*, and *Fitz-Stephens*. Improper conduct of the Engliſh with regard to, 430. Piers Gavaſton made lord-lieutenant of, by Edward II. ii. 331. Is grievouſly oppreſſed by the Engliſh, 342. Robert Bruce, king of Scotland, makes an unſucceſsful expedition to, *ib.* Annual expence of, to England, in the reign of Henry V. iii. 121. Attached to the houſe of York, 325. Revolts under the pretenſions of Lambert Simnel, *ib.* Sir Edward Poynings ſent over to reduce the malcontents in that kingdom, 367. His memorable ſtatute, *ib.* Ineffectual attempts upon, by Perkin Warbec, 370. Erected into a kingdom by parliament, iv. 221, *note*, Is invaded by the Spaniſh general San Joſepho, v. 233. The cruelty of lord Gray on reducing the invaders, 234. The imperfect dominion of England over, 395. Cruel treatment of the natives, 396. Hiſtory of Shan Oneale, 398. Account of the earl Thomond, 400. Tyrone rebels, 401. Defeat

feat of the Engliſh under Sir Henry Bagnal, 402. The earl of Eſſex ſent over, 404. His ill ſucceſs, 406. Treaty between Eſſex and Tyrone, 408. Eſſex ſuddenly goes over to England, 409. The truce broke by Tyrone, 412. Tyrone driven into the moraſſes by Mountjoy, 413. The Engliſh troops there paid with baſe money, 435. Is invaded by the Spaniards, 436. Tyrone and the Spaniards reduced, 438. Tyrone ſurrenders to the deputy, 445. The civilization of, undertaken by James I. vi. 58. An explanation of the *Brehon law*, *ib.* Gavelkind and taniſtry, 59. Theſe cuſtoms aboliſhed, and the Engliſh laws introduced, *ib.* Colonies planted in Ulſter, on its falling to the crown by attainders, 60. The plan of civilization confirmed by Charles I. 429. The Engliſh proteſtants there adopt the puritanical opinions, and popular pretenſions of the Engliſh houſe of commons, 430. The men raiſed by Strafford to ſerve againſt the Scots, reduced, 432. Are withheld from entering the Spaniſh ſervice, *ib.* A conſpiracy formed to expel the Engliſh, 433. Maſſacre of the Engliſh in Ulſter, 436. The rebellion and cruel treatment of the Engliſh extended through the other provinces, 440. The fugitives received in Dublin, 441. The Engliſh of the pale, join the Iriſh inſurgents, 442. The rebels defeated in ſeveral encounters by Scots troops ſent to ſuppreſs them, 543. The diſtreſſed ſtate of the kingdom by theſe devaſtations, 544. A ceſſation concluded with the rebels by the king's order, 546. Glamorgan's treaty with the council of Kilkenny, vii. 67. A new rebellion excited by Rinuccini, the pope's nuncio, 162. The nuncio is driven out of the iſland, 163. The garriſons reduced for the king by Ormond, 164. Cromwel is choſen lord lieutenant by the council of ſtate, *ib.* His rapid ſucceſſes there, 165. Is reduced by Ireton, 206. A view of the adminiſtration there, under the protectorate of Oliver Cromwel, 268. The native Iriſh confined to Connaught, 445. Court of, claims erected to reſtore confiſcations and arrears to royaliſts, 446. An intended inſurrection ſuppreſſed by Ormond, *ib.* The cattle of, prohibited from being imported to England, 448. Succeſſion of lords lieutenants, viii. 161. Ormond ſent over again, 162. Violent meaſures of king James in favour of popery, 252. Tyrconnel made lord lieutenant, *ib.* The corporation charters annulled, and new ones granted, ſubject to the king's will, 260. The offices of government there filled with catholics, *ib.*

Ireland, father, tried and executed with Grove and Pickering, for the popiſh plot, viii. 90.

Ireton, ſon-in-law to Oliver Cromwel, is wounded and taken priſoner at the battle of Naſeby, vii. 57. His character, 110. Propoſes to Cromwel a meeting to conſider of ſettling the nation, and bringing the king to a trial, *ib.* His ſpeech in parliament againſt farther treaty with the king, 112. His cruelty on the taking Colcheſter, 128. Is appointed one of the judges to try the king, 136. Is left commander in chief in Ireland by Cromwel, 187. His ſucceſſes there, 205. Takes Limeric, and dies of the plague, 206. His character, *ib.*

Iſabella, daughter of the count of Angouleme, is taken by her father from her huſband the count de la Marche, and married to king John, ii. 43. Her children by John, 98. Marries the count de la Marche on John's death,

death, 164. Her children by him ſent to England to viſit their brother Henry III. *ib.* Henry's bounty of riches and honours to them, 165. They are baniſhed, 185.

Iſabella, daughter of Philip, king of France, contracted to prince Edward of England, ii. 297. Is married to him when king, 330. Her character and averſion to Piers Gavaſton, *ib.* Is inſulted and ſome of her retinue killed by lord Badleſmere, 347. Goes to Paris to mediate between her huſband and her brother Charles the Fair, 351. Her expedient to this end, *ib.* Becomes acquainted with Roger Mortimer, 352. Her intimacy with him, *ib.* Engages in a conſpiracy againſt the king, *ib.* Affiances her ſon to the daughter of the count of Holland and Hainault, 354. Lands with an army in Suffolk, *ib.* Is joined by the barons, *ib.* Her declaration, *ib.* The city of London declares for her, 355. She calls a parliament, which depoſes Edward, 356. Is confined, on the execution of Mortimer, 379.

———, daughter of Charles VI. of France, married to Richard II. of England, iii. 26. Returned to her father, 66.

———, queen of Caſtile, and wife of Ferdinand, king of Arragon, dies, iii. 390. Her daughter Joan married to Philip, archduke of Auſtria, *ib.*

Italy, its defenceleſs ſtate when invaded by Charles VIII. of France, iii. 368. View of Italian politics at that period, *ib.* League formed againſt France, *ib.* The ſtate of, at the acceſſion of Henry VIII. iii. 413. The powers of, confederate with the emperor Charles V. againſt Francis I. king of France, iv. 49. The French driven out of, 54. The confederate ſtates of, become jealous of the emperor, *ib.* They league with Francis againſt him, 68. Character of the writers of, on the revival of learning, vi. 191.

Judges, itinerant, why firſt appointed, ii. 124. Their anſwer to the queſtion propounded to them by Henry VIII. reſpecting attainders, iv. 198. Patents given them, during good behaviour, by Charles I. vi. 421. Four diſplaced by James II. preparatory to trying the caſe of Sir Edward Hales, viii. 247.

Judgment of God, in the Anglo Saxon law, what, i. 223.

Julius II. pope, his character, iii. 415. Joins in a league with the emperor, and the kings of France and Spain, againſt the Venetians, *ib.* Declares war againſt the duke of Ferrara, 416. Interdicts the council of Piſa, 418. The Swiſs in his intereſt drive the French out of Milan, and reinſtate Maximilian Sforſa, 423. Dies, and is ſucceeded by Leo X. 424. See *Leo.* X.

—— III. pope, his joy at the return of England to its obedience to the church of Rome, iv. 400. His commiſſion to cardinal Pole with reſpect to church-lands, 401, *note.*

—— *Agricola.* See *Agricola.*

—— *Cæſar.* See *Cæſar.*

Juries, origin of the appointment of, for judicial deciſions, i. 93.

Juriſprudence, revival of the Roman, and its advantages over thoſe modes which preceded its revival, iii. 299. Why it did not become the municipal law of England, 300.

Jurors antiently puniſhed by fine and impriſonment for finding a verdict contrary to the direction of the judges, v. 458.

Jury, a list of the puritanical names of, at the time of the commonwealth, vii. 230, *note*.
Justice of peace, the first institution of that office, ii. 319.
Justiciary, chief, that office when abolished, ii. 320.
Justinian's pandects, the accidental finding of, how far advantageous to the revival of civil policy, iii. 299
Jutes, where they settled in Britain, i. 22, *note*.
Juxon, is made bishop of London and high treasurer, vi. 300. Resigns, 395. Attends Charles I. at his execution, vii. 143.

K

KENDRED, king of Mercia, resigns his crown, and ends his days in penance at Rome, i. 48.
Kenric, the Saxon, defeats the Britons fighting against his father Cerdic, i. 23.
Kent, history of the Saxon kingdom of, i. 28.
Kent, earl of, brother to Edward II. engages with queen Isabella, in a conspiracy against his brother, ii. 353. Pursues Edward to Bristol, 355. Is insnared by the arts of Mortimer, condemned, and executed, 377.
Kent, maid of. See *Barton*, Elizabeth.
Ket, a tanner, excites and heads an insurrection in Norfolk against inclosures, iv. 331. Is defeated by Dudley earl of Warwic, and executed, *ib.*
Kildare, earl of, made deputy of Ireland, under the duke of Richmond, iv. 122. Is called over to answer for his conduct, and dies in prison, *ib.* His son, with five uncles, executed for joining the Irish rebels, *ib.*
Kilkenny, council of, a cessation agreed with, by the earl of Ormond, vi. 546. Glamorgan's treaty with, vii. 67. Concludes a peace with Ormond, and engages to assist the king, 161.
Kilsyth, battle of, between the earl of Montrose and the covenanters, vii. 63.
Kimbolton, lord, takes part with the commons, in their disputes with Charles I. vi. 462. Is impeached by the king, 467.
King of England, a summary view of his power as a feudal prince, ii. 108. Naturally favoured by the common people, 112. Heard causes often personally in their court, 123. All who act under the authority of him for the time being, indemnified from future attainder by statute, iii. 366. Observations on this law, *ib.* Extent of his power at the time of Henry VII. 396.
Kirkaldy of Grange, commander of the castle of Edinburgh, declares for queen Mary, v. 202. Is reduced by the English, and executed by his countrymen, 203.
Kirke, colonel, his savage cruelty after the battle of Sedgmoor, viii. 232.
Kirkpatric, the crest and motto of that family, whence derived, ii. 316.
Knevet, Sir Thomas, engages the French admiral Primauget off the coast of Britanny, and the two admirals blown up, iii. 423.
Knights, formerly distinguished in battle only by the ensigns on their shields, i. 38.

Knights-fees,

Knights-fees, the number of thoſe eſtabliſhed by William the conqueror, ii. 206. How the number decreaſed, *ib.*

Knights of ſhires, to aſſiſt in parliament, when they firſt began to be appointed, ii. 184. See *Commons*.

Knolles, Sir Robert, invades France from Calais, but is defeated by Du Gueſclin, ii. 482.

Knox, John, the Scots reformer, remarks on his account of the murder of cardinal Beaton, iv. 298, *note*. Arrives in Scotland from Geneva, v. 26. Inſpires the people with zeal againſt popery, *ib.* Riot thereupon, *ib.* Becomes chief director of the *Congregation of the Lord*, 30. Inſtigates the people and preachers to inſult queen Mary on her arrival, for her adherence to the catholic religion, 48. His inſolent ſpeeches to Mary, on her kind overtures to him, 49. Defends the outrages committed in the queen's chapel, 53. Inſults lord Darnley on his marriage with Mary, 89.

L

LABOUR, the price of, attempted in vain to be reduced by parliament, in the reign of Edward III. ii. 496. And commodities, remarks on the comparative prices of, at the time of Henry VII. and now, iii. 402.

Laci, Roger de, conſtable of Cheſter, his gallant defence of Chateau Gaillard for John againſt Philip of France, ii. 51. His generous treatment by Philip when the place was taken, 52.

Lambert, a ſchoolmaſter, controverts the real preſence, iv. 190. Is accuſed, and appeals to Henry VIII. *ib.* Henry enters into a formal diſputation with him, 191. Is ſilenced and ſentenced as a heretic, 192. Is burnt with great cruelty, *ib.*

———, is diſappointed of the lieutenancy of Ireland, by the intrigues of Oliver Cromwel, vii. 165. Follows Charles II. out of Scotland into England, 195. Battle of Worceſter, 196. Cromwel appointed protector by his means, 232. Oppoſes the motion for giving Cromwel the title of king, 270. Is deprived of his commiſſions, and retires with a penſion, 275. Engages in the cabal of Wallingford-houſe, 295. Suppreſſes an inſurrection of royaliſts, and takes Sir George Booth priſoner, 302. Forms an aſſociation among the officers againſt the parliament, *ib.* Is caſhiered, 303. Expels the parliament, *ib.* Eſtabliſhes the committee of ſafety, 304. Marches northward to meet Monk, 311. Is committed to the Tower, 314. Eſcapes, 326. Is taken by Ingoldſby, *ib.* Is excepted from the act of indemnity on the reſtoration, 353. Is tried, 381. Is reprieved and confined in Guernſey, 384.

Lambeth, a council ſummoned there, by Anſelm, archbiſhop of Canterbury, to enquire into the lawfulneſs of Matilda's marrying Henry I. i. 318.

Lancaſter, Edmond earl of, ſent by Edward I. to accommodate differences with Philip king of France, ii. 261. Makes an unſucceſsful attack upon Guienne, 283. Dies, *ib.*

———, Thomas earl of, his character, opulence, and power, ii. 330. Heads a confederacy of barons againſt Piers Gavaſton, 331. Comes to parliament

parliament with an armed retinue, and demands the baniſhment of Gaveſton, *ib.* Is made hereditary ſteward, 332. Forms another confederacy againſt Gaveſton, 334. Raiſes an army againſt the king, 335. Puts Gaveſton to death, 336. Inſiſts on a renewal of the ordinances after the defeat of Bannockburn, 343. Combines with the barons to ruin the Deſpenſers, 344. Oppoſes the king with an army, 348. Is defeated by Sir Andrew Harcla, and executed, *ib.* His character, 349.

Lancaſter, earl of, brother and heir to Thomas earl of, joins the conſpiracy of Iſabella and Mortimer againſt Edward II. ii. 353. Edward delivered into his cuſtody, and confined in Kenilworth-caſtle, 356. Is ſuſpected of favouring the king, who is therefore taken out of his hands, 358. Is appointed guardian to the young king, 372.

———, Henry earl of, is engaged in fruitleſs negociations for peace between Edward III. and king John of France, at Avignon, ii. 450. Is ſent with an army into Normandy, 454. Is created duke of Lancaſter, 467. Endeavours an accommodation between Edward and John of France, his priſoner, *ib.*

———, John of Gaunt, duke of, ſon to Edward III. accompanies his brother in his expedition to Caſtile, ii. 476. Marries the daughter of Henry duke of, 477. Eſpouſes for his ſecond wife, the daughter of Peter king of Caſtile, 478. His army in France haraſſed and deſtroyed, 482. The adminiſtration of government committed to him by his father, 483. His great authority during the minority of Richard II. iii. 4.—Conſequence of his pretenſions to the crown of Caſtile, *ib.* His unſucceſsful attempts in Britanny, 6. His palace at the Savoy burnt by the rabble, 9. Diſappointed in hopes of obtaining Caſtile, 13. Returns home, 24. Obtains a grant of the duchy of Guienne, 25. Relinquiſhes it, *ib.* Dies, 37. Succeeded by his ſon the duke of Hereford, *ib.* See *Hereford*.

———, Henry duke of, his character, iii. 37. Comes over on the embarkation of Richard II. for Ireland, 38. Increaſe of his army, 39. Seizes Briſtol, and executes ſome of Richard's miniſters without trial, *ib.* Obtains poſſeſſion of the king's perſon, and aſſembles a parliament in his name, 40. Procures his depoſition, 46. His challenge of the crown, *ib.* Reflections on his oſtenſible pretenſions, 47. Calls a parliament by his own authority, 48. See *Henry* IV.

———, James, his ſucceſsful captures from the Spaniards, and expedition to Brazil, v. 376. Commands the firſt fleet fitted out by the Eaſt-India company, 477.

Land. See *Feudal* Syſtem.

Landais, Peter, a corrupt miniſter of the duke of Britanny, bribed by Edward IV. to perſuade his maſter to deliver up Henry earl of Richmond, iii. 286. Enters into a negociation with Richard III. to betray Richmond, 292. Put to death by the nobles of Britanny, 335.

Landrecy, beſieged by the emperor Charles V. iv. 239. Charles forced to abandon it by the ſuccours of Francis, 240.

Lanfranc, a Milaneſe monk, made archbiſhop of Canterbury, i. 258. His character, *ib.* Crowns William Rufus, 286. Dies, 288.

Langhorne, his trial for the popiſh plot, viii. 111.

Langſide, battle of, between Mary queen of Scots, and Murray the regent, v. 128.

Langton, cardinal, appointed archbiſhop of Canterbury, by pope Innocent III. in oppoſition to Reginald and John de Gray, ii. 60. Rejects king John's propoſal towards an accommodation, 68. Returns to England, and receives the king's ſubmiſſions, 75. His character, 78. Stimulates the barons to an aſſertion of their liberties againſt the oppreſſions of John, 79. Refuſes to publiſh the pope's bull of excommunication againſt the barons, 92. Is cited to Rome, and ſuſpended, *ib.*

Lanſdown, battle of, between the royaliſts and parliamentarians, vi. 518.

Laſcelles, accuſes queen Catharine Howard of incontinency to archbiſhop Cranmer, iv. 218. Confirms his charge to the lord privy ſeal, *ib.*

Latimer, biſhop, reſigns his biſhopric on the paſſing the law of ſix articles, and is impriſoned, iv. 195. Is again impriſoned on the acceſſion of queen Mary, 376. Is ſent under a guard to Oxford, to debate on tranſubſtantiation, 385. Is burnt for hereſy, with biſhop Ridley, 414.

Laud, biſhop of London, his character, vi. 284. Introduces new ceremonies into the church, 285. Is offered a cardinal's hat, 286. Becomes odious to the puritans, 287. His behaviour in the conſecration of St. Catharine's church, *ib.* Introduces pictures into churches, 290. Exalts the regal authority, 291. Is made archbiſhop of Canterbury, 300. His ungrateful proſecution of William biſhop of Lincoln, 310. Is attacked by the populace in Lambeth palace, which he is obliged to fortify, 355. Is impeached by the houſe of commons, 369. Is committed to cuſtody, 370. Is tried, vii. 38. And executed, 39. Retroſpect of his conduct and character, 40. 515.

Lauderdale, duke of, diſſuades Charles II. from rigorous meaſures towards Scotland, vii. 364. Perſuades the king to admit preſbytery there, 366. Obſtructs the union of the two kingdoms, intended by the king, 457. Is one of the *cabal* miniſtry, 458. His character, 459. His being employed, voted a grievance by the houſe of commons, 512. Is ſent down as commiſſioner to the Scots parliament, viii. 50. Becomes chief miniſter for Scotland, 51. His violent and arbitrary adminiſtration, 52. His private conduct, 54. Brings down Highland clans to ravage the country at free quarter, 58. His death, 204.

Laurentius, ſucceſſor to Auguſtine, how he brought back Eadbald to the chriſtian religion, i. 38.

Lautrec, marſhal, the French general in Italy, defeated by the Imperialiſts at Bicocca, iv. 42. Raiſes the ſiege of Bayonne, attacked by the emperor Charles V. 52.

Law, the firſt written code of, in England, i. 37.

——, the ſtudy of, antiently confined to the clergy, ii. 123.

——, civil, the early reception and ſtudy of, in our univerſities, iii. 299. Motives for its reception, *ib.* Why it did not obtain to be the municipal law of England, 300.

——, the common, firſt riſe of, i. 95.

——, criminal, among the Anglo-Saxons, a view of, i. 215.

——, feudal, the original of, traced, ii. 101. Its introduction to England, 108. The feudal government in England delineated, *ib.*

Laws and proclamations, difference of, explained, vi. 52.
League, catholic, formed in France by the duke of Guiſe againſt the Hugonots, v. 212. Is revived, 268. Is headed by the duke of Mayenne on the death of Guiſe, 357. Declines on the converſion of Henry IV. 374.
——— and covenant, ſolemn, is framed at Edinburgh, at the perſuaſion of Sir Henry Vane, vi. 540. Is received by the Engliſh parliament, 541. Is renounced by the Scots parliament, vii. 368. Is burnt in England by the hangman, 371.
Learning, the decline of, from the Auguſtan age, to the ages of monkiſh barbarism traced, iii. 298. When the loweſt point of depreſſion may be dated, *ib.* Gradual recovery of, *ib.* Circumſtances which tended to the revival and advancement of, in the fifteenth century, iii. 406. The ſtate of, in queen Elizabeth's reign, v. 491. Remarks on the ſtate of, in Greece, vi. 189. Account of the revival of, in Europe, 190. In England, 191.
Legates à latere, their power and office deſcribed, i. 478, *note*.
Legantine court, erected by cardinal Wolſey, iv. 16. Its oppreſſions checked, 17.
Legitimacy of birth, diſputes between the civil and eccleſiaſtical courts concerning, in the reign of Henry III. ii. 222. Memorable reply of the barons to the prelates on this occaſion, 223.
Leiceſter, is ſtormed by Charles I. and taken, vii. 56. Is retaken by Fairfax after the battle of Naſeby, 59.
———, earl of, his inſolent behaviour fruſtrates the conference between Henry II. of England, and Lewis VII. of France, i. 441. Invades Suffolk, 443. Taken priſoner by Richard de Lucy, guardian of the kingdom, *ib.*
———, Robert earl of, takes the command of Ronen on his return from the cruſade, and repulſes the attack of Philip of France on that city, ii. 25.
———, Simon de Montford, earl of, his hiſtory, ii. 186. Marries the ſiſter of Henry III. widow of William earl of Pembroke, *ib.* His diſputes with the king, 181. Joins with the barons againſt him, *ib.* Enters into a confederacy with them, 182. Is placed at the head of the council of twenty-four, choſen by the parliament at Oxford, to regulate the government, 184. Their regulations, *ib.* He procures the baniſhment of the king's half-brothers, 185. Proteſts againſt Henry's ceſſion of Normandy to Lewis IX. 191. Henry refers the differences between them to Margaret queen of France, 195. Confederates with other barons againſt Henry, 196. He leagues with Lewellyn prince of Wales, who invades the borders, 197. Impriſons the biſhop who publiſhed the pope's abſolution, *ib.* Levies war on the king, *ib.* Takes prince Edward priſoner, 199. Reſtores him on treaty with the king, 200. His ſon ſent to the aſſembly of the ſtates of France at Amiens, on the appeal made to Lewis, 201. Rejects the arbitration of Lewis, and renews the war, *ib.* His meſſage to the king how anſwered, 204. Defeats Henry at Lewes, and takes him priſoner, 205. Propoſes another appeal to arbitration, 206. His imperious behaviour on this victory, 207. Ruins the trade of the nation, and encourages piracy, 208. Is menaced with excom-

excommunication, which he braves and defeats, 210. Calls a parliament, forms a houſe of commons, and appoints members to be ſent by the boroughs, *ib.* Reflections on this memorable event, 211. Employs this parliament to cruſh his rivals, 212. His treatment of prince Edward, whom he detained in cuſtody, *ib.* Edward eſcapes from him, 214. His ſon Simon defeated by prince Edward, *ib.* Himſelf defeated and killed at Eveſham by Edward, 215. Review of his character and conduct, *ib.* His wife and children baniſhed, 218. His ſons aſſaſſinate their couſin Henry d'Almaine at Viterbo, *ib.*

Leiceſter, Thomas earl of, a curious view of his annual expences, ii. 370.

———, lord, Robert Dudley, created earl of, and propoſed as a huſband by queen Elizabeth to Mary queen of Scots, v. 82. His character, 83. Is ſuſpected of murdering his wife, to make way for his expectations of obtaining Elizabeth, *ib.* Declines the propoſal of Mary, *ib.* Is appointed one of the commiſſioners to enquire into the conduct of Mary, 139. Writes a letter to Mary, recommending the duke of Norfolk to her for a huſband, 159. Diſcovers Norfolk's deſigns to Elizabeth, 160. Reports that Simier, the duke of Anjou's agent, acquired an aſcendency over Elizabeth by incantations, 239. His marriage diſcovered to the queen by Simier, 240. Attempts the life of Simier, *ib.* Forms an aſſociation of courtiers for the protection of the queen againſt all violence, or conſpiracy, 259. Commands the forces ſent over to the United Provinces, 273. His tranſactions there, 275. Returns to England, 277. Adviſes the poiſoning of queen Mary, 290. Returns to Holland, where his conduct is complained of, 328. Is recalled by the queen, 329. Commands a body of forces at Tilbury, to oppoſe the Spaniſh invaſion, 335. Dies, 360. Inſtance of his magnificent manner of living, 487.

Leighton, is ſeverely ſentenced in the ſtar-chamber, for libelling the king and queen, vi. 295. Recovers his liberty, and obtains damages, 378.

Leipſic, battle of, between Guſtavus king of Sweden, and the Imperial general Tilly, vi. 281.

Leith, is fortified by the regent of Scotland, v. 31. Is reduced by the Engliſh, 36. Is fortified with great zeal by the covenanters, vi. 337.

Lenox, Matthew Stuart earl of, is ſent by Francis, with a promiſe of ſuccours to cardinal Beaton and the queen dowager of Scotland, iv. 235. Entertains hopes of marrying the queen dowager, 240. Patroniſes the proteſtant intereſt in Scotland, 241. Applies to England for aſſiſtance, *ib.* Is forced by Arran to fly to England, and marries Henry's niece, 245. Is invited to Scotland with his ſon lord Darnley, v. 86. Implores juſtice for the murder of his ſon, 108. Is cited to make good his charge on Bothwell, *ib.* Proteſts againſt the precipitate trial of Bothwell, who is acquitted, 109. Claims the regency, as grandfather to the young king James VI. 124. Appears before the commiſſioners at Hampton-court, to implore vengeance for the murder of his ſon, 140. Is choſen lieutenant or governor of Scotland, on the death of Murray, 168. Is made regent by Elizabeth's allowance, 169. Delivers up the earl of Northumberland to Elizabeth, 200. Is ſeized, and put to death, by queen Mary's party, 202.

Lenox, count d'Aubigney created earl of, v. 232. Cauſes the earl of Morton to be tried and executed, *ib.* The king taken out of his hands by an aſſociation of nobility, 248. Retires to France, where he dies, 249. The kindneſs of James to his family, *ib.*

Lent, the faſt of, eſtabliſhed in the kingdom of Kent, i. 39.

Lenthal, is choſen ſpeaker of the long parliament, vi. 365. His anſwer to the king's perſonal enquiry after the five members, 470. Goes to Hounſlow-heath, with the ſpeaker of the houſe of lords, to deſire protection from the army, vii. 101. Is reinſtated, 103. Is choſen ſpeaker in parliament under the protectorate, 240. Reſumes his place as ſpeaker, at the reſtoration of the long parliament, 298. Is prevented from going to parliament by Lambert, who puts an end to it, 303. Continues ſpeaker at its ſecond reſtoration, 313.

L'Hoſpital, chancellor of France, his pleas to elude the reſtitution of Calais to queen Elizabeth, v. 147.

Leo X. pope, his character, iii. 424. Sends a veſſel with wine and hams to Henry VIII. and his court, 425. Excommunicates Lewis XII. of France, and all who adhere to the council of Piſa, 426. Takes off the excommunication from Lewis, 441. His motives to the ſale of indulgences, iv. 33. Remarks on his conduct on this occaſion, *ib.* The produce from the ſale of, how applied by him, 34. Beſtows the title of *Defender of the Faith* on Henry VIII. 36. Dies, 39.

Leofric, duke of Mercia, his conteſt with Harold, ſon of earl Godwin, i. 167.

Leoſf, the robber, kills king Edmund at a feaſt, i. 108.

Leonard's hoſpital in Yorkſhire, tumult occaſioned by an ancient privilege enjoyed by, iii. 232.

Leopold, archduke of Auſtria, arreſts Richard I. of England, in his return from Paleſtine, ii. 23.

Leſley, Norman, ſon of the earl of Rothes, diſtinguiſhes himſelf at the battle of Ancram, iv. 249.

———, biſhop of Roſs, is appointed by Mary queen of Scots one of her commiſſioners in the cauſe between her and Murray the regent, v. 134. Refuſes to reply to Murray's allegations at Hampton-court, 140. He and his aſſociates break up the conference, 143. Elizabeth's reply to them, 144. Complains to the Engliſh council of their inſincerity toward Mary, 172. Engages in the duke of Norfolk's conſpiracy, 196. Is impriſoned, 199.

———, earl of Leven. See *Leven*.

———, David, defeats the earl of Montroſe at Philiphaugh in the foreſt, vii. 64. Commands the Scots army againſt Oliver Cromwel, 188. Follows Cromwel in his retreat to Dunbar, 189. Is ordered to attack Cromwel, and is defeated, 190.

Levellers, their plan for government after the death of Charles I. vii. 155.

Leven, Leſley earl of, marches with a Scots army to the aſſiſtance of the Engliſh parliament againſt Charles I. vi. 542. Joins Sir Thomas Fairfax, vii. 8. Aſſiſts in the defeat of prince Rupert at Marſton-moor, 10. Marches northward, and takes Newcaſtle by ſtorm, 14. Reduces Car-

liſle, 61. The king puts himſelf into the hands of the army when before Newark, 73. Surrenders the king to the parliamentary commiſſioners, 80.

Lewiſon, Sir Richard, commands a fleet in an expedition to the coaſts of Spain, v. 443. Attacks the harbour of Cerimbra, and takes a rich carrack there, 444.

Lewellyn, prince of Wales, applies to Henry III. for protection againſt his rebellious ſon Griffin, ii. 196. Renews his hoſtilities on the death of Griffin, *ib.* Is ſucceeded by Griffin's ſon Lewellyn, *ib.*

———, ſon to Griffin, ſucceeds his grandfather in the principality of Wales, ii. 197. Renews the homage to Henry, *ib.* Confederates with Leiceſter, and invades England, 197. Is pardoned, but cabals with the barons again, 239. Is ſummoned by Edward I. to renew his homage, *ib.* Is ſubdued by Edward on his non-compliance, 241. Is defeated and killed by Mortimer on occaſion of new diſputes, 242. His brother David tried as a traitor, and executed, *ib.*

Lewes, battle of, between Henry III. and his barons, headed by the earl of Leiceſter, ii. 204. The treaty called the *Miſe* of, 206.

Lewis the Groſs, king of France, diſturbs Normandy, i. 336. Endeavours to reſtore William ſon of duke Robert, *ib.* Defeated by Henry I. 337. Was the firſt eſtabliſher of corporations, and with what view, ii. 118.

——— VII. king of France, betrothes his ſiſter Conſtantia to Euſtace, eldeſt ſon of Stephen king of England, i. 354. Divorces Eleanor heireſs of Guienne, 367. Affiances his daughter Margaret to Henry, eldeſt ſon of Henry II. of England, 378. Anecdotes of a conference between him and Henry II. in relation to Becket, archbiſhop of Canterbury, 410. Diſguſted at his daughter Margaret not being crowned with prince Henry, 413. Exhorts the pope to excommunicate king Henry, 420. Encourages the revolt of prince Henry againſt his father, 438. Beſieges Vernonil, in conjunction with prince Henry, 440. His fraudulent behaviour to king Henry here, *ib.* Has a conference with Henry, 441. Diſappointed in another treacherous ſcheme againſt Roüen, 447. Deceives Henry again, *ib.* Peace concluded between him and Henry, *ib.* Becomes ſuperſtitious, and makes a pilgrimage to Becket's ſhrine, 453.

———, eldeſt ſon of Philip of France, married to Blanche of Caſtile, niece of John king of England, ii. 42. The barons of England offer him the kingdom, 94. Arrives in England with an army, 95. Loſes his influence among the Engliſh barons by his imprudence, 96. The barons who adhere to him excommunicated by the pope's legate, 149. They deſert him, *ib.* The city of Lincoln taken from him by the earl of Pembroke, 150. The French fleet coming to his aſſiſtance, defeated by the Engliſh, *ib.* Concludes a peace with Pembroke, and goes back to France, 151. Succeeds his father Philip in the kingdom of France, 157.

——— VIII. invades Poictou, and takes Rochelle, ii. 157.

——— IX. of France, his character, ii. 189. His conduct towards the Engliſh, 190. Obtains a ceſſion of Normandy from Henry III. *ib.* Henry refers the differences between him and Leiceſter to his queen Margaret,

Margaret, 195. Another reference made to *his* arbitration, 200. Decides in favour of Henry, 201. Engages prince Edward in a cruſade, 219. Dies at Tunis in Africa, 220. His character, *ib.*

Lewis XI. king of France, his character, and ambitious views, iii. 231. Protects the earl of Warwic, 237. Leagues with him and queen Margaret, 238. Aſſiſts Warwic with a fleet, 240. Buys peace of Edward IV. at a tribute during his life, 251. Interview between them, 255. Farther tranſactions between them, 256. Ranſoms queen Margaret, 258. Reflections on his conduct toward the duke of Burgundy and his daughter, *ib.* Concludes a peace with Maximilian king of the Romans, and marries the dauphin to his daughter Margaret, 334.

—— XII. of France, ſubdues the duchy of Milan, iii. 384. Engages Ferdinand of Spain to aſſiſt him in ſeizing Naples, 414. Outwitted by him, *ib.* Joins in a league againſt the Venetians, 415. His nephew Gaſton de Foix defeats the Spaniſh and papal armies, but is killed, 423. Loſes his conqueſts in Italy, *ib.* Excommunicated by pope Leo X. 427. Sends relief to Teroüane, beſieged by Henry VIII. 434. Concludes a treaty with Ferdinand, and offers his daughter for one of his grandſons, 441. Empowers the duke de Longueville, priſoner in England, to conclude a treaty with Henry, 443. Stipulates to pay the arrears of the penſion due to England, *ib.* Marries Henry's ſiſter, and dies quickly after, 444.

—— XIV. ſucceeds to the crown of France, an infant, vii. 247. Meets Philip of Spain at the Pyrenees, and eſpouſes his daughter, 305. Joins the Dutch in the war with England, 409. His perſon and character deſcribed, 429. Forms pretenſions to the duchy of Brabant, in right of his queen, 430. His rapid conqueſts in the Low Countries, 431. His haughty behaviour to the courts of Europe, *ib.* The triple alliance formed againſt him, 436. His art in bringing Charles II. over to the French intereſt, 464. His ſudden irruption into Lorrain, 466. Declares war againſt Holland, 479. Marches a large army to the Dutch frontiers, 480. His rapid ſucceſſes in the Low Countries, 487. Enters Utrecht, 488. His demands from the Dutch deputies ſent to implore peace, 491. Is oppoſed at laſt by the prince of Orange, 499. Enters into treaty with Charles II. to reſtore popery in England, viii. 4, *note.* Operations of the prince of Condé and marſhal Turenne, 9. Serves as a volunteer under the prince of Condé, 17. Takes Condé by ſtorm, 21. His reception of the earl of Feverſham ſent with the terms of peace to him, 36. Takes Ghent and Ypres, 40. Treaty at Nimegnen concluded, 45. His proſperous ſituation by this treaty, 47. His haughty and arbitrary treatment of the European powers, 205. Revokes the edict of Nantz, 242. A league formed againſt him by the prince of Orange, 278. Informs James of the prince of Orange's ſchemes, 287. Receives James kindly on his abdication, 305. His great regard for literature, 333.

——, Dr. a Welſh phyſician employed to negociate a marriage between the princeſs Elizabeth, daughter of Edward IV. and Henry earl of Richmond, iii. 288.

Leyden is beſieged by the Spaniards, v. 217.

Liberty, civil, the revival of arts favourable to, iii. 302. Inſtance ſhewing the barons to have been ſenſible of this, *ib. note.* A regular plan formed by the commons at the commencement of the reign of Charles I. for the eſtabliſhment of, vi. 204.

Lidington, Maitland of, is ſent by the proteſtant aſſociation in Scotland, called the *Congregation of the Lord*, to requeſt aſſiſtance of queen Elizabeth, v. 32. Is again ſent to thank her, and requeſt farther aid, 39. Is made ſecretary of ſtate by queen Mary, 47. Is ſent to London with Mary's compliments to Elizabeth, and to require a declaration of her ſucceſſion to the Engliſh crown, 57. Enters into a confederacy of Scots nobles, to protect prince James, and puniſh the murderers of his father, 118. Aſſiſts at the conferences concerning Mary, before the Engliſh and Scots commiſſioners, 135. Encourages the duke of Norfolk in the hopes of eſpouſing Mary, 138. Takes part with Kirkaldy of Grange in favour of Mary, and is ſuppoſed to have killed himſelf, on the ſuppreſſion of the party by Elizabeth, 203.

Lilburne, his cruel proſecution in the ſtar-chamber, and reſolution in ſuffering, vi. 312. Recovers his liberty, and obtains damages, 378. Is impriſoned by the parliament for his ſeditious writings, vii. 167. Is acquitted on trial by the new ſtatute of treaſons, 202. Is again tried and acquitted, during the protectorate, 238.

Lilla, an officer of king Edwin's army, his extraordinary fidelity to him, i. 42.

Lillibullero, on what occaſion this ſong was made, viii. 300.

Limerick is beſieged and taken by Ireton, vii. 206.

Lincoln, the city of, taken from Lewis by the earl of Pembroke, ii. 150. Is taken for the long parliament by the earl of Mancheſter, vii. 10.

——, John earl of, his family and character, iii. 327. Retires to the court of the ducheſs of Burgundy, 328. Commands Simnel's army, and is killed at the battle of Stoke, 330.

Lincolnſhire, inſurrection headed there by Sir Robert Welles, in the reign of Edward IV. iii. 235. The inſurgents defeated by the king, 236.

Lindeſey, earl of, is ſent to the relief of Rochelle, but is unable to paſs the mole, vi. 265. Signs a proteſtation againſt the liturgy, 329. Commands under the king at the battle of Edge-hill, 506. Is mortally wounded, and taken priſoner, 507.

Liſle, Dudley lord, commands the fleet of Henry VIII. in an invaſion of Scotland, iv. 244.

——, lady, the cruel proſecution of, viii. 234.

Literature, the ſtate of, in queen Elizabeth's reign, v. 491.

Liturgy, one framed by a committee of biſhops and divines, iv. 320. In what reſpects it differed from the old maſs book, 321. Is reviſed, 348. Is authoriſed by parliament, 354. Is ſuppreſſed by the reſtoration of the maſs by queen Mary, 386. Is reſtored by queen Elizabeth, v. 13. Is aboliſhed by the aſſembly of divines at Weſtminſter, vii. 32. Is again admitted at the reſtoration, 362.

Loans, arbitrarily exacted by queen Elizabeth from her ſubjects, v. 460. A general one required by Charles I. vi. 222. Perſons confined for refuſal, 227. Other oppreſſions exerciſed againſt them, 230.

Lochlevin-caſtle, Mary queen of Scots confined there, v. 120. She makes her eſcape from thence, 127.

Lockhart is made governor of Dunkirk by Oliver Cromwel, vii. 279. His ſcruples when applied to by Monk to join in reſtoring the king, 323.

Lollards, the followers of Wickliffe the reformer, their tenets, iii. 52. Favoured by the duke of Lancaſter, 53. One burnt for hereſy, 65. Another, 81. Proſecution of lord Cobham as their head, 89. His tranſactions and execution, 90. The points of reformation aimed at by them, 91. The doctrines of Martin Luther embraced by them, iv. 35. See *Hereſy*, and *Reformation*.

London, a flouriſhing Roman colony there, deſtroyed, and the inhabitants maſſacred by the Britons, i. 8. Burnt by the Danes, 71. Rebuilt by Alfred, 85. Submits to William duke of Normandy, 234. The liberties of, confirmed, but the inhabitants diſarmed by him, 238. A ſynod ſummoned there, 267. Another, 343. Charter granted to by king Henry I. 347. The citizens ſummoned to a council to recognize the pretenſions of the empreſs Matilda, 363. Computation of the number of its inhabitants at this time, 364. Revolts againſt Matilda, 365. Maſſacre of Jews there at the coronation of Richard I. ii. 4. Its firſt charter of incorporation when granted, 99. Tumults excited there in favour of the barons by Fitz-Richard the mayor, 198—202. The citizens riſe in favour of queen Iſabella, and murder the biſhop of Exeter, 355. They put Baldoc the chancellor in Newgate, and kill him by bad uſage, 356. Great deſtruction there by the plague, 448. John king of France brought priſoner to, 460. Its charter ſeized by Richard II. iii. 26. The chapter-lands of that ſee ſeized by Henry VIII. iv. 222. An inſurrection of apprentices and others there to oppoſe the encouraging foreign artificers, 274. Queen Mary's title acknowledged by the magiſtrates of, in oppoſition to lady Jane Gray, 372. Twenty thouſand die there of the plague brought from Havre de Grace, v. 80. The royal exchange built by Sir Thomas Greſham, 483. The number of foreigners in, at this time, *ib.* Great plague there in James's reign, vi. 14. The number of its inhabitants at this time, *ib.* Is the centre of all the commerce of the kingdom, 23. The continued concourſe of the gentry there diſcouraged by James I. 169. He renews the edicts againſt increaſing buildings in, *ib.* Brick-buildings in, by whom introduced, 179. Another plague in, 206. Refuſes a loan to the king, 224. Ship-money levied on it by Charles, *ib.* Refuſes another loan to the king, 356. Petitions for a parliament, 359. The treaty with the Scots at Rippon, adjourned to, 361. Petitions for a total alteration of church-government, 384. The king comes to the common-council, 470. The city petition parliament, as alſo the porters and apprentices, 475. Takes part with the parliament againſt the king, 495. Its trained bands join the earl of Eſſex, 509. Sends four regiments of militia to Eſſex, 531. Its militia ordered out by the parliament to defend it againſt the army, vii. 95. Petitions the parliament againſt the change of its militia, which the populace oblige it to grant, 101. The common-council refuſe an aſſeſſment to the long parliament on its reſtoration, and declare for

for a free parliament, 318. Lends money to Charles II. for the Dutch war, 400. Great plague of, 408. Is burnt, 415. Good effects of this calamity, 416. Diſputes between the citizens and Sir Robert Clayton, lord-mayor, about the election of ſheriffs, viii. 127. Diſputes between the citizens and Sir John Moor on the ſame occaſion, 176. A writ of *quo warranto* iſſued againſt the city, 178. Conditions on which the charter was reſtored, 181. The mayor, aldermen, and a deputation of the common-council, ſummoned to the convention parliament, 308.

London-bridge, when firſt finiſhed of ſtone, ii. 99.

Longchamp, biſhop of Ely. See *Ely*.

Longbeard. See *Fitz Oſbert*.

Longueville, duke of, defeated and taken priſoner by Henry VIII. at the battle of Spurs, iii. 435. Negociates a peace between Henry and Lewis, 442.

———, ducheſs-dowager of. See *Guiſe, Mary of*.

Lopez, Roderigo, phyſician to queen Elizabeth, is executed for receiving a bribe from the Spaniſh miniſtry to poiſon her, v. 373.

Lords, houſe of, their proceedings in ſettling the plan of government during the minority of Richard II. iii. 3. Their proceedings againſt the king's miniſtry at the inſtigation of the duke of Glouceſter, 20. The irregularity of their judicial proceedings, 23. The duke of Glouceſter's accuſation againſt the duke of Norfolk, 34. Duel between them prevented by the king, 36. Tumults among, at the acceſſion of Henry IV. 62. Debate on the pretenſions of Richard duke of York, 206. Acknowledge his right of ſucceſſion and preſent adminiſtration, 207. Condemn the duke of Clarence, brother to Edward IV. 262. Their charge againſt cardinal Wolſey, iv. 94. Frame the bill of ſix articles, for aboliſhing diverſity of opinions in religion, 194. Henry complains to them of the diverſity of religions, 205. Their flattery to Cromwel earl of Eſſex, *ib.* Condemn Cromwel without trial, 208. Petition the king to lay his marriage with Anne of Cleves before the convocation, 209. The lord Mountjoy proteſts againſt the bill eſtabliſhing a council to judge offences againſt the king's proclamations, 238. Paſs a bill of attainder againſt the duke of Norfolk, 263. Lord Seymour attainted, 319. Paſs a ſevere law againſt treaſon, which is altered by the commons, 355. Frame a poor-bill, which is rejected by the commons, 356. Are impatient to have the ſucceſſion of the crown ſettled, v. 101. Check the commons by the queen's order, from debating on matters of religious reformation, 178. Are refuſed a conference deſired with the commons, 228. The commons diſpute with them concerning punctilios, 386. Send a bill to the commons for entailing the crown-lands on the king and his ſucceſſors, which is refuſed, vi. 26. The number of lords in the houſe in the reign of James I. 155. Impeachment of the earl of Briſtol and duke of Buckingham, 215. Procure the earl of Arundel's liberty, 219. Remarks on their conduct during the diſputes between the king and the commons, 250. Paſs the petition of right, 253. Are diſſolved, 276. Their interpoſition with the commons in the long parliament requeſted by the king, 348. A committee

of, joined to one of the lower houſe, appointed to ſit during the receſs of parliament, 423. A committee of, with one of the commons, appointed to attend the king to Scotland, *ib.* The commons declare an intention of ſetting their authority aſide, without they concur with them, 462. The biſhops votes in, taken away, 477. The majority of the peers retire to the king at York, 490. For thoſe tranſactions wherein the remainder concur with the commons, ſee *Parliament*. Are obliged to paſs the ſelf-denying ordinance, vii. 27. Chuſe Lord Hunſdon ſpeaker, on Mancheſter's going to the army, 102. Reject the vote of the commons for bringing the king to a trial, 134. The houſe of, voted uſeleſs, dangerous, and to be aboliſhed, 151. A houſe of, ſummoned by the protector, which the ancient peers refuſe to attend, 277. Their juriſdiction refuſed to be acknowledged by the commons, *ib.* The peers reſume their ſeats in the parliament following the final diſſolution of the long one, 328. Charles II. proclaimed, *ib.* The biſhops reſtored to their ſeats, 372. Refuſe to commit Clarendon to cuſtody on the impeachment of the commons, 426. Vote Clarendon's letter to them a libel, 427. Their diſputes with the commons on Skinner's caſe, 454. Differences with the commons on their altering a money-bill, 468. Endeavour to introduce a new teſt-act, enforcing paſſive obedience, viii. 12. Great diſputes between, and the commons, on the caſe of Fag and Shirley, 14. Are prevailed on by the duke of York, to admit an exception in his favour in the new teſt-act, 84. Refuſe to commit Danby on his impeachment by the commons, 88. Paſs the bill of attainder againſt Danby, 98. Reſume the buſineſs of the popiſh plot, 99. The right of the biſhops to vote in Danby's caſe denied by the commons, 110. Reject the excluſion-bill, 139. Free the popiſh lords impeached by the commons, 226. Take the ſpeech of James II. into conſideration, at the motion of Compton biſhop of London, 241. Aſſume the adminiſtration of government on the king's flight, 302. Deſire the prince of Orange to aſſume the government, and ſummon a convention, 308. Their debates on the queſtion of a new king or a regency, 313. Their conference with the commons, 314.

Lords of articles in the Scots parliament, an account of their inſtitution, vi. 426. Are aboliſhed, *ib.*

Lorn, lord, ſon of the earl of Argyle, obtains the gift of his father's forfeiture, vii. 368. Is condemned on the ſtatute of leaſing-making, 438. Is pardoned by the king, *ib.* Retroſpect of his life, viii. 167. Is created earl of Argyle, *ib.* See *Argyle*.

Lorraine, cardinal of. See *Guiſe*. Adviſes his niece, Mary queen of Scots, to rigour againſt the Proteſtant leaders who had taken arms againſt her, v. 93. Concerts a maſſacre of the French Hugonots, *ib.* See *Hugonots*. Founds a ſeminary at Rheims for the education of Engliſh catholics, 237.

Lothaire, elder brother of Egbert king of Kent, diſpoſſeſſes his nephew Edric, i. 39. Defeated and killed by him, *ib.*

Loudon, lord, is committed to the Tower for ſigning a letter ſent by the Scots malcontents to the king of France, vi. 345. Is made an earl, 428. Is ſent with other commiſſioners by the Scots to Oxford, to mediate between

between the king and parliament, 538. Returns diſſatisfied, 539. Does public penance for countenancing the royaliſts, vii. 127.

London-hill, the covenanters repulſe an attack on a conventicle there, viii. 115.

Lovel, viſcount, heads an inſurrection in the north againſt Henry VII. iii. 321. Flies to Flanders, 322. Joins Lambert Simnel, 328. Supposed to be killed at the battle at Stoke, 330.

Louviers, peace concluded there, between Philip of France and Richard I. of England, ii. 32.

Louiſe of Savoy, mother of Francis I. of France, her character, iv. 50. Makes overtures of marriage to Charles duke of Bourbon, which he rejects, *ib.* Deprives Bourbon of his poſſeſſions by a law-ſuit, *ib.* Concludes an alliance with England, on the captivity of Francis, 59. A large preſent exacted of her covertly by Wolſey, on the treaty with Henry, 61.

Low Countries, ſtate of, at the time of Henry VII. iii. 334. See *Netherlands* and *United Provinces*.

Lucy, Richard de, left guardian of the kingdom by Henry II. during his abſence in France, i. 442. Repulſes the irruptions of the Scots, *ib.* Suppreſſes an invaſion of Flemings under the earl of Leiceſter, and takes him priſoner, 443.

Ludlow, lieutenant-general, obtains command of the army in Ireland, on the death of Ireton, vii. 206. Engages in the cabal of Wallingford-houſe, 295.

Ludovico, duke of Milan, invites the French to an invaſion of Naples, iii. 368. Joins the emperor and other princes in a league againſt France, *ib.* Milan ſubdued by the French, 384.

Lupicaire, a Brabançon, commands at Falaiſe for John king of England, i. 53. Surrenders the place to Philip, and enliſts with him againſt John, 54.

Luſignan, Guy de, how he became king of Jeruſalem, ii. 14. Loſes his kingdom, and applies to Richard I. of England at Cyprus, to eſtabliſh his title, in oppoſition to Conrade, marquis of Monſerrat, *ib.* Made king of Cyprus by Richard, on quitting his pretenſions to Jeruſalem, 19.

Luther, Martin, his character, and the motives of oppoſing the ſale of indulgencies, iv. 35. Is patronized by the elector of Saxony, *ib.* The progreſs of his opinions in Germany, *ib.* His doctrines embraced by the Lollards in England, 36. Is wrote againſt by Henry VIII. *ib.* His ſharp reply to Henry's book, *ib.* The quick progreſs of his doctrines, owing to the art of printing, 37. Terms the pope antichriſt, 38. Several of his diſciples take ſhelter in England, 347.

Luxembourg, mareſchal, defeats the prince of Orange at St. Omers, viii. 27. Is attacked at St. Dennis by the prince of Orange, the day after the peace of Nimeguen, 46.

Luxury, laws againſt, in the reign of Edward III. ii. 498.

Lyons, a general council called there by pope Innocent IV. to excommunicate the emperor Frederic II. ii. 170. Complaints tranſmitted to it by Henry III. and his nobility, *ib.* Council of, removed thither from Piſa,

Piſa, iii. 417. Interdicted by the pope, 418. Renounced by Lewis XII. of France, 442.

M

MACBETH, a Scots nobleman, murders Duncan king of Scotland, and uſurps the crown, i. 163. Is defeated and killed by Siward duke of Northumberland, *ib.*

Maccail, a Scots covenanter, expires under torture in extacy, vii. 445.

Macgill, Sir James, is, by the Scots parliament, appointed a commiſſioner to treat with Elizabeth concerning Mary, v. 171. Is diſmiſſed by Elizabeth without concluding on any thing, 172.

Mackrel, Dr. prior of Barlings, heads an inſurrection againſt Henry VIII. iv. 170. Is deſerted by his adherents, taken, and executed, 171.

Madrid, treaty of, between the emperor Charles V. and his priſoner Francis I. of France, iv. 66.

Maegbota, in the ancient German law, what, i. 216.

Magdalene, ſiſter to pope Leo X. the produce of indulgencies in Saxony aſſigned to her, iv. 34. Farms the ſale out to Arcemboldi, a Genoeſe, *ib.* See *Arcemboldi*.

——— college, Oxford, its conteſt with James II. viii. 264. The preſident and fellows expelled, 265. Gifford, doctor to the Sorbonne, appointed by mandate, 273.

Magna Charta. See *Charter of Liberties*.

Mahomet, the prophet of the eaſt, a general review of the tranſactions of him and his followers, i. 293.

Maine, the province of, agreed to be ceded to the duke of Anjou, on the marriage of his niece Margaret with Henry VI. iii. 170. Surrendered and alienated from the Engliſh government, 174.

Mainfroy, natural ſon of the emperor Frederic II. his conteſt with the pope for the crown of Sicily, ii. 171. A cruſade publiſhed againſt him, 173.

Major-generals eſtabliſhed by Cromwel all over England, vii. 244. Their authority reduced, 269.

Maitland of Lidington. See *Lidington*.

Malherbe's ode to Mary de Medicis, writ in 1614, a ſtanza of, vi. 569.

Malta, knights of, refuſe to ſurrender up their revenues to Henry VIII. iv. 205. Their order diſſolved by parliament, *ib.*

Manbote, in the ancient German law, what, i. 217, *note*.

Manchester, earl of, is, by the parliament, appointed general of an aſſociation of ſeveral counties againſt Charles I. vi. 531. Defeats the royaliſts at Horn-caſtle, 535. Takes Lincoln, and joins Fairfax in the ſiege of York, vii. 10. Aſſiſts in defeating the king at Marſton-moor, 12. As alſo at Newbury, 17. Diſputes between him and Cromwel, 22. Goes as ſpeaker of the houſe of lords, with Lenthal of the commons, to Hounſlow-heath, to deſire protection of the army, 101. Is appointed lord-chamberlain by Charles II. 350.

Manners, a review of, in the thirteenth century, ii. 140. State of, in the reign of Edward II. 367. During that of queen Elizabeth, v. 484. A review of, during the reign of James I. vi. 167. A review of, during the

the time of the commonwealth, vii. 330. Great alteration in, produced by the reſtoration, viii. 331.

Manſel, chaplain to Henry III. his enormous poſſeſſion of pluralities, ii. 169.

Manſfeldt, count, commands an army in the ſervice of Frederic, elector palatine, vi. 123. Is diſmiſſed, and engages in the ſervice of the United Provinces, 124. Is engaged by James, and aſſiſted with men to recover the Palatinate, 151. His men reduced by ſickneſs, 152.

Manufactures, ſtate of, in the reign of queen Elizabeth, v. 483. State of, in the reign of James I. vi. 181. Great increaſe of, after the reſtoration, viii. 328.

Manwayring, is impeached by the commons for his ſermon on the regal prerogative in levying taxes, vi. 255. Is promoted to the ſee of St. Aſaph, *ib.*

Mar, earl of, choſen regent of Scotland, on the death of Lenox, v. 202. Is obliged to conclude a truce with the queen's party, *ib.* Dies of melancholy, at the diſtracted ſtate of the country, *ib.* Forms an aſſociation, who ſeize the young king James, 248.

March, earl of. See *Mortimer*.

Marche, count de la, his wife Iſabella taken from him by the count of Angouleme, her father, and married to John king of England, ii. 43. Excites commotions againſt John in the French provinces, *ib.* Is taken priſoner by John, 46. Marries Iſabella on John's death, 164.

Margaret of Anjou, her character, iii. 170. Married to Henry VI. of England, *ib.* Joins the cardinal of Wincheſter's faction againſt the duke of Glouceſter, *ib.* Suſpected of having ſome hand in Glouceſter's murder, 173. Delivered of a ſon, 198. Raiſes an army in the north of England, and defeats and kills the duke of York, 209. Her army under the earl of Pembroke defeated by Edward duke of York, at Mortimer's croſs, 210. Defeats the earl of Warwic at St. Alban's, *ib.* Regains poſſeſſion of the king, *ib.* Retires before the army of Edward duke of York, 211. Conſequences of the licentiouſneſs of her troops, 217. Her army routed at Touton, 218. Retires with Henry to Scotland, 219. Endeavours to engage the Scots in her intereſt, 220. Solicits aſſiſtance in France, 223. Defeated at Hexham, 224. Her extraordinary adventure with robbers in a foreſt, 225. Goes to her father's court, and retires, *ib.* Enters into a league with the earl of Warwic, 238. Marries her ſon Edward to the lady Anne, daughter to the earl of Warwic, *ib.* Returns to England on the reſtoration of her huſband, but arrives not till after Warwic's defeat, 244. Ranſomed by Lewis of France, 258. Her character, *ib.*

——— *of Norway*, by what title ſhe ſucceeded to the crown of Scotland, ii. 246. Guardians appointed during her infancy, *ib.* Treaty of marriage between her and prince Edward of England, *ib.* Dies on her paſſage to Scotland, 247.

———, daughter to Henry VII. married to James IV. of Scotland, iii. 386. Marries Douglas earl of Angus, on the death of James IV. iv. 5. Is divorced, and marries another nobleman, 123.

Marignan, battle of, between Francis I. of France, and the Swiſs, iv. 9.

Markham,

Markham, Sir George, his oppreſſive treatment by the court of ſtar-chamber, vi. 305.
Marlebridge, laws enacted by the parliament ſummoned there by Hen. III. after the barons wars, ii. 223.
Marre, Donald earl of, appointed regent on the death of the earl of Murray, ii. 383. Is defeated and killed by Edward Baliol, 384.
Marriage with kindred, an examination of the queſtion concerning, with reference to that of Henry VIII. with Catharine of Arragon, iv. 101.
Marſhal's court, aboliſhed by the long parliament, vi. 422.
Marſton-moor, battle of, between prince Rupert and Sir Thomas Fairfax, vii. 11.
Martial law, the arbitrary indiſcriminate exertion of, previous to, and during the reign of queen Elizabeth, v. 454.
Martin II. pope, ſummons a council at Placentia, to conſult about reſcuing the holy land from the Turks, i. 294. Calls another council at Clermont, 295.
——— V. pope, elected by the council of Conſtance, iii. 118. Writes Henry VI. a ſevere letter againſt the ſtatute of proviſors, 214.
Martyr, Peter, deſires leave to withdraw from England at the acceſſion of queen Mary, iv. 377. Is generouſly aſſiſted by biſhop Gardiner, 378. Indignities uſed to his wife's body, *ib.*
Martyrs. See *Hereſy*.
Mary of Anjou, queen to Charles VII. of France, recovers her huſband from his dejection on the ſiege of Orleans, iii. 141.
———, princeſs, ſiſter to Henry VIII. married to Lewis XII. of France, who dies quickly after, iii. 443. Marries the duke of Suffolk, 445.
———, princeſs, daughter of Henry VIII. betrothed, an infant, to the dauphin of France, iv. 14. Is after betrothed to the emperor Charles, 26. Is contracted by treaty with the duke of Orleans, 71. The ſtates of Caſtile oppoſe her marriage with the emperor, 76. The biſhop of Tarbe, ambaſſador from France, objects to her marriage with the duke of Orleans, *ib.* Is excluded from the ſucceſſion by parliament, 118. Is taken into favour on her compliance with the acknowledgment of her father's ſupremacy, 162. Is illegitimated by parliament, 163. Is reſtored to her right of ſucceſſion by parliament, 242. Adheres to the maſs during the ſteps to reformation in her brother's reign, and, by the emperor's means, obtains a temporary connivance, 325. Her chaplains impriſoned, 346. Is remonſtrated with by the council, *ib.* Continues obſtinate in the catholic faith, *ib.* A diſcuſſion of her title to the ſucceſſion, 366. Her narrow eſcape from falling into the hands of Northumberland, on her brother's death, 368. Her meaſures to ſecure poſſeſſion of the crown, *ib.* The lady Jane Gray is proclaimed at London, *ib.* The nobility and people flock to her, 370. The lady Jane deſerted, and her title univerſally acknowledged, 371, 372. Cauſes the Lady Jane and her party to be apprehended, 372. Releaſes the duke of Norfolk, and other priſoners, from the Tower, 374. Affects popularity, *ib.* Her bigotry, 375. Impriſons the proteſtant biſhops, 376. Cauſe of her proſecuting Cranmer for treaſon, *ib.* The maſs celebrated before the parliament, 379. All Edward's ſtatutes on religion repealed, *ib.* Deliberates on the

the choice of three husbands proposed to her, 380. Cause of her first declared animosity to her sister Elizabeth, *ib.* Declares her intention of reconcilement to Rome, 381. Invites over cardinal Pole in quality of legate, *ib.* The emperor Charles V. proposes his son Philip to her for a husband, 383. Dissolves the parliament for opposing the Spanish match, 385. Substance of the marriage-articles, 386. Remarks of the people on this alliance, 387. Insurrections on occasion of it, 388. Treats her sister Elizabeth harshly, 390. Orders the execution of lady Jane and her husband, 392. Her cruel conduct with respect to Sir Nicholas Throgmorton, 394. Disarms the people, *ib.* Her fond anxiety for the arrival of Philip, 397. Is married to him, 398. Is unable to get her husband declared presumptive heir to the crown, or to get him crowned, 401. Imagines herself pregnant, 402. Dissolves the parliament, 403. Resolves to exert the laws against heresy with rigour, 411. See *Heresy*. An express commission issued, more effectually to extirpate heresy, 416. A proclamation against heretical books, 419. Sends a solemn embassy to pope Paul IV. 420. Resolves to comply with the pope's demand of full restitution of all church-property, 421. Is dejected at her husband's neglect, and going to Flanders, 422. Her oppressive extortions from her subjects, 423. Is opposed by Pole and others in her design of engaging the kingdom in Philip's quarrel with France, 432. Philip returns to press her to that measure, *ib.* How this was effected, *ib.* Raises money arbitrarily for this war, 433. Calais taken by the duke of Guise, 435. Obtains grants from parliament, 441. All sales or grants of crown lands by her for seven years to come, confirmed by parliament, *ib.* Thanks her sister for referring the king of Sweden's proposal of marriage to her consideration, 442. Prepares a great fleet for a descent on Britanny, which fails, 443. Her health declines, and the cause of her illness, 445. Dies, *ib.* An estimate of her character, *ib.*

Mary, daughter of James V. of Scotland, born, iv. 230. Becomes queen by the death of her father, *ib.* Is contracted by prince Edward of England, 233. Is sent to France, and betrothed to the dauphin, 312. Is married to the dauphin, 440. Assumes the title and arms of England, on the accession of queen Elizabeth, v. 19. Treaty of Edinburgh, and settlement of the administration by this treaty, during her absence, 36. Refuses her assent to the parliamentary reformation of religion, 39. Refuses to ratify the treaty of Edinburgh, 40. Her husband Francis II. dies, 42. Refuses the desire of the English ambassador, of ratifying the treaty of Edinburgh, or to renounce her pretensions to the crown of England, 43. Is ill treated by the queen-mother of France, and resolves to return to Scotland, *ib.* Her resentment on being refused a passage through England, *ib.* Arrives in Scotland, 45. Shews great regret on leaving France, *ib.* Her character and accomplishments, 47. Bestows her confidence on the leaders of the reformed party, *ib.* Loses her popularity by her adherence to the catholic religion, 48. Is exposed to insults from this cause, *ib.* Endeavours to gain the favour of John Knox, the reformer, who contrives to insult her, 49. Her life rendered unhappy through his insolent conduct, 50. Her future errors deducible in

part

part from this cauſe, 52. Is petitioned by the church on account of a riot at a bawdy-houſe, *ib.* Outrages committed on her chapel, 53. Makes an ill-judged claim to Elizabeth, of being declared her ſucceſſor, 56. Elizabeth's reply to her, *ib.* An apparent reconciliation takes place between them, 81. Elizabeth evades an interview with her, *ib.* Divers matches concerted for her by her uncles, 82. The earl of Leiceſter propoſed to her by Elizabeth, *ib.* Is piqued at Elizabeth's duplicity in this offer, 84. Sends Sir James Melvil to London to accommodate their differences, *ib.* The lord Darnley propoſed to her as a huſband, 85. Is adviſed by Elizabeth to invite him, and his father the earl of Lenox, to Scotland, 86. Elizabeth inconſiſtently againſt the match, 87. Reflections on her ſituation in being of a different religion from her people, *ib.* Is exhorted by the general aſſembly to renounce the Romiſh religion, 88. Is married to lord Darnley, 89. A confederacy formed againſt her at Stirling, 90. Drives the rebels into Argyleſhire, 91. Forces them to retire into England, *ib.* Elizabeth's deceitful conduct on this occaſion, *ib.* Pardons the leaders of the conſpiracy, 92. Is adviſed to rigour by her uncle the cardinal of Lorraine, 93. Summons a parliament to attaint the rebel lords, 94. A character of her huſband Darnley, *ib.* Incurs his reſentment on her neglect of him, on diſcovery of his weakneſs and vices, 95. Her attachment to David Rizzio, *ib.* Rizzio aſſaſſinated in her preſence by Darnley's order, 97. Is detained priſoner in her palace, 98. Is reconciled to the baniſhed lords, *ib.* Her art in procuring her liberty, 99. Collects an army, and drives the conſpirators into England, *ib.* Grants them liberty to return home at the interceſſion of Bothwel, *ib.* Makes Darnley diſavow all concern in Rizzio's murder, and then leaves him in diſdain, *ib.* Is brought to bed of a ſon, 100. Sends Sir James Melvil to Elizabeth with the news, *ib.* Melvil's account of Elizabeth's behaviour on this intelligence, *ib.* Her intimacy with Bothwel, 105. An apparent reconciliation between her and Darnley, 106. Darnley blown up with gunpowder in a lone houſe, 107. Is ſuſpected to have concerted this murder with Bothwel, *ib.* Is petitioned by the earl of Lenox for juſtice againſt Bothwel, and others whom he charged with the murder, 108. Calls a parliament, and eſtabliſhes the proteſtant religion, 109. Bothwel recommended to her for a huſband by the nobility, 110. Is ſeized by Bothwel, to afford her the plea of violence, 111. Grants him a pardon for all crimes, *ib.* Acknowledges herſelf free, and orders the bans to be publiſhed for her marriage with Bothwel, now made duke of Orkney, 113. Craig, the miniſter who is ordered to publiſh the bans, firmly remonſtrates againſt it, *ib.* Is married to Bothwel, 115. Is exhorted againſt it both by her French relations and Elizabeth, *ib.* The people murmur at theſe groſs proceedings, *ib.* A confederacy of nobility formed againſt her, who take arms, 118. Is reduced to put herſelf into the hands of the confederates, 119. Is conducted to Edinburgh amidſt the reproaches and inſults of the people, *ib.* Is ſent to the caſtle of Lochlevin, 120. An embaſſy ſent by Elizabeth, in her favour, 121. Four different ſchemes framed for the treatment of her, by her ſubjects, 123. Pretenſions to the regency, 124. Is forced to reſign the crown, and

and concur in a ſettlement of the adminiſtration during her ſon's minority, *ib.* Eſcapes from Lochlevin caſtle, 127. An aſſociation formed, and an army raiſed, in her favour, *ib.* Receives offers of aſſiſtance from Elizabeth, *ib.* Is defeated by Murray at Langſide, 128. Retires to England, craving protection from Elizabeth, *ib.* Is required by Elizabeth to clear herſelf from the murder of her huſband, 131. Sends lord Herries to declare her readineſs to ſubmit her cauſe to Elizabeth, 132. Appoints commiſſioners on her part, 134. The conferences opened at York, *ib.* The ſecret reaſon of the weak allegations made againſt her by Murray, 137. Elizabeth transfers the conferences to Hampton-court, and adds other commiſſioners, 139. Murray accuſes her more explicitly, and her commiſſioners refuſe to anſwer, 141. Her letters and ſonnets to Bothwel, produced, 142. Is directly charged with the murder by Hubert, Bothwel's ſervant, at his execution, *ib.* The reſult of the conference laid before the Engliſh privy-council, 144. Elizabeth's reply to her commiſſioners, *ib.* Is removed from Bolton to Tutbury, under the cuſtody of the Earl of Shrewſbury, 146. Refuſes to make any conceſſions, *ib.* A marriage with the duke of Norfolk propoſed to her, 156. Receives a letter from the earl of Leiceſter, recommending this match, 159. Returns a favourable anſwer, *ib.* Is removed to Coventry, and more ſtrictly guarded, 162. Writes to Murray, but receives no anſwer, 166. Her party ſtrengthened by the death of Murray, 168. Receives terms for a treaty from Elizabeth, which ſhe agrees to, 170. Elizabeth evades this treaty, and convinces her of her inſincerity, 172. Enters into the duke of Norfolk's conſpiracy, 197. Elizabeth remonſtrates with her on her conduct, 200. Her party in Scotland ſuppreſſed by the influence of Elizabeth, 203. Her confinement rendered ſtricter by the apprehenſions of Elizabeth, 222. Writes a pathetic letter to Elizabeth, 250. Her propoſal of accommodation, 253. Counterfeit letters writ in her name by the Engliſh miniſtry, to diſcover her partizans, 257. Is committed to the cuſtody of Sir Amias Pauler, and Sir Drue Drury, 258. Deſires leave to ſubſcribe Leiceſter's aſſociation for the queen's protection, *ib.* Enters into Babington's conſpiracy, 288. Is conveyed to Fotheringay-caſtle, 291. Her papers ſeized, *ib.* Her anſwer to the information of her approaching trial, 292. Is prevailed on to ſubmit to trial, 294. Is proved to have conſpired againſt her ſon James, 295. The commiſſioners adjourn to the ſtar chamber, London, and ſentence her to death, 299. Her laſt letter to Elizabeth, 303. Her behaviour on being ordered to prepare for execution, 311. Is executed, 319. Her character, *ib.* Proofs of the authenticity of her letters to Bothwel, 496. The counteſs of Shrewſbury's ſcandalous reports of queen Elizabeth, communicated by her to the queen, 506. Her reſentment againſt her ſon for deſerting her cauſe, 509. Enquiry into the evidences of her engagement in Babington's conſpiracy, 510.

Mary, lady, daughter of James duke of York, is married to the prince of Orange, viii. 34. Concurs in the ſettlement of the crown of England on the prince, her huſband, 318.

Maſs-book, reviewed and altered by Henry VIII. iv. 225. Private maſſes abolished

abolished by act of parliament, 307. The mass revived by queen Mary, 376. Is finally abolished by queen Elizabeth, v. 12.

Massey, governor of Gloucester, for the parliament, his character, vi. 525. Is besieged by the king, *ib.* His vigorous defence, 530. Is relieved by the earl of Essex, 531.

Masters, Richard, vicar of Aldington in Kent, concerts the imposture of *the holy maid of Kent*, iv. 135. Confesses the artifice, and is punished, 137.

Matilda, daughter of Malcolm III. king of Scotland, married to king Henry I. of England, i. 318.

———, daughter of king Henry I. betrothed to the emperor Henry V. of Germany, i. 340. Married afterwards to Geoffrey, son of Fulk count of Anjou, *ib.* Brought to bed of Henry, 344. Receives the oath of fealty from the English and Norman nobility, *ib.* Lands in England to assert her pretensions against Stephen, 359. Stephen taken prisoner, 361. Receives homage of the barons, *ib.* Gains over Henry, bishop of Winchester, 362. Cultivates the favour of the clergy, *ib.* Her character, 364. Besieged in Winchester, 365. Flies, and exchanges Stephen for her brother Robert, *ib.*

Matrimony ordered to be solemnized by the civil magistrate, vii. 229.

Matthews, Toby, cause of his expulsion from parliament, stated, vi. 550.

Maurice, bishop of London, crowns Henry I. i. 313.

———, elector of Saxony, the grounds of his quarrel with the emperor Charles V. iv. 382. Raises an army of protestants against him, *ib.* Reduces Charles to grant a peace favourable to the protestants, 383.

———, prince, son of the elector Palatine, comes to England with his brother Rupert, and offers his assistance to Charles I. vi. 505. See *Rupert*. Is sent by the King with a reinforcement of cavalry into the west, 518. Is shipwrecked, vii. 205.

———, prince of Orange. See *Orange*.

Mautravers and Gournay, the keepers of the deposed king Edward II. murder him cruelly by Mortimer's orders, ii. 359. Their fates, *ib.*

Maximilian, king of the Romans, his pretensions to the government of the Low Countries, how founded, iii. 334. Marries Anne, duchess of Britanny, 346. Who is afterward forced into a marriage with the king of France, 349. Makes peace with France, and obtains a restitution of his daughter's dowry, 355. His conduct as emperor, 415. Joins pope Julius II. in the league of Cambray against the Venetians, *ib.* Calls a council at Pisa, in conjunction with Lewis, in opposition to the pope, 418. Detached from the French interest by pope Leo X. 424. Concludes an alliance with Henry VIII. and Ferdinand against France, 426. Serves under Henry, and receives pay from him in his French expedition, 433. Detaches himself from Henry, and allies with Spain and France, 441. His ineffectual invasion of Milan, and treaty with France and Venice, iv. 11. His death, and the competition for the imperial dignity, 18.

Mayenne, duke of, becomes head of the catholic league, on the assassination of his brother the duke of Guise, v. 357.

Mazarine, cardinal, succeeds Richlieu, in the French ministry, in the infancy of Louis XIV. vii. 247. Temporises with Cromwel, 249. His

compliment to Cromwel, 280. Concludes the treaty of the Pyrennees with Spain, 305. Refuſes to ſee Charles II. of England, 306.
Meal tub plot, viii. 124.
Meaux beſieged and taken by Henry V. iii. 115.
Medina Sidonia, duke of, is appointed to the command of the Spaniſh invincible armada, v. 339. His inſtructions, 340. Diſobeys his orders, in ſailing to attack the Engliſh fleet, 341. Is worſted, and ſails to Calais, 343. Is attacked and diſconcerted by the Engliſh admiral, *ib.* Sails northward on his return, and his fleet deſtroyed by a ſtorm, 344.
Medicis, Catherine de, her influence in the court of France, leſſened by the enormous authority uſurped by the duke of Gniſe, and his brothers, v. 40. Is appointed regent on the death of Francis II. during the minority of Charles IX. 42. Her ill uſage of Mary queen of Scots, makes Mary think of returning to Scotland, 43. Remarks on her plan of internal adminiſtration, 68. Is forced to embrace the Gniſe party againſt the prince of Condé, 69. Conſents to an accommodation with the proteſtants, 78. Comes to an agreement with Elizabeth, 80. Concerts, with Philip of Spain and the cardinal of Lorraine, a maſſacre of the French proteſtants, 93. See *Hugenots*. Maſſacre of Paris, 205.
Melvil, James, aſſaſſinates cardinal Beaton, iv. 298. His behaviour applauded in Knox's hiſtory, *ib. note*.
———, Sir James, is ſent ambaſſador, from Mary queen of Scotland, to queen Elizabeth, v. 84. His inſtructions for negociation, *ib.* His account of his converſation with Elizabeth concerning his miſtreſs, *ib.* His character of Elizabeth on his return, 85. Is ſent again to Elizabeth, to notify the birth of prince James, 100. His account of Elizabeth's behaviour on this occaſion, *ib.*
———, Robert, is ſent by the proteſtant aſſociation in Scotland, called the *Congregation of the Lord*, to requeſt aſſiſtance from queen Elizabeth, v. 32. Propoſes to Mary a marriage with the duke of Norfolk, 156.
Members for Counties, the firſt ſteps towards ſending them to parliament, ii. 184. See *Commons*.
Merchants grant impoſitions on merchandize to Edward I. in their private capacity, ii. 277, *note*.
Merchant-adventurers, the ſociety of, when firſt formed, ii. 324.
Mercia, the Saxon kingdom of, its extent, and by whom founded, i. 47. Its hiſtory continued, *ib.*
Merton, a ſynod called there, to eſtabliſh eccleſiaſtical privileges, ii. 192. The reſolutions of, annulled by the pope, *ib.*
Metz ineffectually attacked by the emperor Charles V. iv. 382.
Michelſon, the Scots propheteſs, ſome account of, vi. 337.
Middleſex, earl of, treaſurer, his character, vi. 144. Is impeached by the means of Buckingham, *ib.* His fine remitted, 145.
Middleton, earl, is ſent commiſſioner, on the reſtoration, to call a parliament in Scotland, vii. 365. His arbitrary conduct, 439. His commiſſion given to lord Rothes, 442.
Milan, duchy of, ſubdued by the French, iii. 384. Maximilian Sforza reinſtated in that duchy, 424. Is attacked by Francis I. of France, iv.

9. Surrendered to Francis by Sforza, for a penſion, 10. The French driven out, 42. Is invaded again under the admiral Bonnivet, 53. The city blockaded, *ib.* Bonnivet obliged to retire by the deſertion of his Swiſs troops, 54. Is conquered by the Imperialiſts under the duke of Bourbon, 69. The inveſtiture again granted to Francis Sforza, 98. The emperor renounces all claim to, 248.

Mildmay, Sir Walter, aſſerts the royal prerogative in high terms to the houſe of commons, v. 228, 229.

Military-ſervice, the origin and nature of, explained, ii. 102. Changed into pecuniary ſupplies, 247.

Militia, the firſt eſtabliſhment of, by Alfred, i. 85. Regulated by king Henry II. 450. Feudal, the inconveniencies attending their ſervice, to the kings who ſummoned their attendance, ii. 265. How their perſonal ſervice became changed into pecuniary ſupplies, *ib.* The conſequences of this alteration, 270. Law of queen Mary for the regulation of, iv. 448. State of, during the reign of queen Elizabeth, v. 482. State of, in the reign of James I. vi. 178. A bill framed by the commons, and paſſed, taking it into their own hands, 479. King Charles's reply when preſſed to paſs it, 482. Is carried into execution, without his concurrence, 485. Eſtabliſhment of, by parliament on the reſtoration, vii. 391. State of, between the reſtoration and revolution, 321.

Mill, Walter, is burnt for hereſy at St. Andrews, v. 24. The extraordinary zeal of the people in his favour, *ib.*

Millenarians, or fifth-monarchy men, are for aboliſhing all government, after the death of Charles I. vii. 155.

Milton, John, his opinion of the monkiſh hiſtories of Britain, i. 28. His character as a writer, vii. 343. His Paradiſe Loſt, how reſcued from oblivion, 344. Remarks on the fate of the author, *ib.* His death, 345.

Mind, human, hiſtory of, iii. 297.

Mitchel, a Scota fanatic, fires a piſtol at the archbiſhop of St. Andrews, viii. 54. His extraordinary treatment and execution, 55.

Miſe of Lewes, the treaty ſo termed, ii. 206.

Mona. See *Angleſea*.

Monarchies, hereditary and elective, a comparative view of, under the feudal ſyſtem, ii. 112.

Monaſteries, ſubjected entirely to the king's regulations, by the parliament of Henry VIII. iv. 117. Reflections on their tendency, 147. Commiſſioners appointed to viſit them, 148. Great abuſes charged upon them, 149. Several ſurrender their revenues, *ib.* All nuns and friars, who required diſmiſſion, ſet at liberty, *ib.* The leſſer, ſuppreſſed by parliament, 150. Diſcontents among the people, excited by the diſperſed monks, 169. The greater monaſteries ſuppreſſed, 177. Reports of their ſcandalous abuſes publiſhed to bring the memory of them into contempt, 178. Their reliques expoſed, particularly the blood of Chriſt, 180. And rood of Grace, *ib.* The number of them ſuppreſſed, and the amount of their revenues, 182. The hoſpitality exerciſed by them, 184. The ſurrender of, confirmed by parliament, 199. The abbots of Colcheſter, Reading, and Glaſtenbury, executed for treaſon, *ib.*

ib. A curious paſſage from Coke's Inſtitutes, relating to the ſuppreſſion of, 456.

Money, the value of, among our Saxon anceſtors, i. 226. Reflections on, 228. The intereſt it bore, in the reign of Richard I. ii. 36, *note*. Remarks on the higheſt intereſt it bore, in the thirteenth century, 226. A view of the ſtate of, in the reign of Henry V. iii. 121. The rate of, in the time of Henry VII 389, *note*. The intereſt of, when firſt fixed by law, iv. 278. The intereſt of, how limited in England and France, at the time of queen Elizabeth, v. 483.

Moneyage, an explanation of the tax levied by the Anglo-Norman kings under that name, ii. 127. When aboliſhed, *ib.*

Monk, general, commands for the parliament in Dundalk in Ireland, where his garriſon mutinies againſt him, and delivers the place up to Ormond, vii. 164. Is left by Cromwel to complete the reduction of Scotland, 195. Reduces Stirling caſtle, and ſends the records of Scotland to London, 207. Takes Dundee, and puts the inhabitants to the ſword, *ib.* Reduces the kingdom to obedience to the commonwealth, *ib.* Commands at ſea under Blake, in an engagement with the Dutch, 215. Defeats the Dutch fleet under Tromp, who is killed, 234. His family and hiſtory, 307. His behaviour to his brother, who came to engage him in the royal cauſe, 311. Marches into England, 312. Advances without orders, 315. His meſſage to the parliament, from St. Alban's, 316. Arrives in Weſtminſter, *ib.* His reply to the thanks of parliament, *ib.* Executes the orders of the parliament in apprehending the refractory citizens, 318. Orders the parliament to diſſolve, and call a new one; and unites with the citizens, 319. Communicates his intentions to Sir John Granville, 322. Adviſes Charles II. to leave Spain for Holland, 323. Secures the commanders in Ireland in the king's intereſt, 325. The king proclaimed, 328. Receives the king at Dover, 329. Is created duke of Albemarle, 350. See *Albemarle*.

Monks, Britiſh, great ſlaughter of, by Adelfrid king of Northumberland, i. 41. Saxon, characteriſed, 110. Their addreſs in working miracles, 127. See *Monaſteries*.

Monkiſh hiſtorians, character of, i. 28.

Monmouth, James duke of, his birth and character, viii. 95. His illegitimacy declared by the king in council, 96. Defeats the Scots covenanters at Bothwel-bridge, 115. Is deprived of his command, and ſent abroad, by the influence of the duke of York, 122. Comes over without leave, 125. Preſents a petition againſt calling the parliament at Oxford, 150. Engages in a conſpiracy againſt the king, 183. Abſconds upon the diſcovery of it, 188. Is pardoned, 202. Is baniſhed, 203. Invades England on the acceſſion of James II. 227. Is attainted by parliament, *ib.* Inſtances of his miſconduct, 228. Is defeated at Sedgmore, 229. Is executed, 230.

Monopolies, enormous grants of, by queen Elizabeth, v. 439. The pernicious tendency of theſe grants, 459. Debates in the houſe of commons concerning, 528. Chief part of the national trade engroſſed by excluſive companies and patents in the reign of James I. vi. 23. An act paſſed

paſſed againſt, 143. Are revived by Charles I. 296. The patents for all called in and annulled by James I. vi. 23.

Monothelites, their hereſy condemned in a ſynod at Hatfield, i. 64.

Monſon, Sir William, commands under admiral Sir Richard Leviſon, in an expedition to the coaſt of Spain, v. 443.

Montacute, brother of the earl of Warwic, defeats the Lancaſtrians at Hexham, iii. 224. Gains a battle with the inſurgents in Yorkſhire, 233. Created a marquis, 235. Leagues with his brother Warwic, againſt king Edward, 239. Encourages his men to change ſides, and drives Edward from his own camp, 241.

Montagu, Edward, a member of the houſe of commons, the arbitrary ſpeech of Henry VIII. to him, iv. 451.

Montague, Sir Edward, chief juſtice of the common pleas, is ordered by Edward VI. with other judges, to prepare a deed for the ſucceſſion of lady Jane Gray, iv. 362. Is abuſed by Dudley duke of Northumberland, for refuſing, 363. His expedient for the ſecurity of himſelf and the other parties, 364.

———, is ſent with a ſquadron to the Baltic, to mediate between Sweden and Denmark, vii. 304. Quits his ſtation to aſſiſt Sir George Booth and the royaliſts in their intended riſing, which fails, 321. Obtains, with Monk, the joint command of the fleet, *ib.* Carries the fleet to Holland, to bring Charles II. over, 329. Is created earl of Sandwich, 350. See *Sandwich*.

———, ambaſſador at Paris, ſecretly negociates with France, and treacherouſly receives a large bribe from Barillon, the miniſter of that court, viii. 43. *note*. Returns without leave, and produces Danby's letter to the houſe of commons, 86.

Montargis, beſieged by the earl of Warwic, iii. 137. Raiſed by the count of Dunois, *ib.*

Montcontour, battle of, between the duke of Anjou and the admiral Coligni, v. 188.

Monteagle, lord, receives intimation of the gunpowder plot, vi. 34. Communicates it to lord Saliſbury, *ib.*

Montecuculi, the imperial general, joins the prince of Orange, and obliges Lewis XIV. to abandon his conqueſt in the Low Countries, vii. 510.

Montford, Simon de, appointed a general of the cruſade publiſhed by pope Innocent III. againſt the Albigenſes, ii. 67. For his ſon, ſee *Leiceſter*.

Montmorency, conſtable, commands the French army, againſt the Spaniſh under Phillibert duke of Savoy, iv. 434. Is defeated, and taken priſoner at the battle of St. Quintin, *ib.* His ſentiments of the marriage of the dauphin with the queen of Scotland, v. 32. Joins the duke of Guiſe againſt the prince of Condé, 68. Takes Rouen from the proteſtants, 71. Is taken priſoner by the proteſtants at the battle of Dreux, 72. Is releaſed by treaty, 78. Beſieges Havre de Grace, 79. Takes it by capitulation, 80. Is killed at the battle of St. Dennis, 186.

Montreville, the French ambaſſador, prevails with Charles I. to ſeek protection in the Scots army, vii. 72.

Montroſe, earl of, his firſt introduction to Charles I. vii. 43. Is impriſoned in Scotland for his attachment to the king, 44. Procures duke Hamilton's diſgrace with the king, 46. Negociates for Iriſh troops, to make a diverſion

a diverſion in Scotland, 47. Defeats lord Elcho, *ib.* Defeats lord Burley, 48. Routs Argyle's forces, and is joioed by great numbers of them, 49. Takes and plunders Dundee, 50. Defeats Urrey and Baillie, *ib.* Deſeats the covenanters at Kilſyth, 63. Is conquered by David Leſley, 64. Retires abroad, 76. Raiſes levies to aſſiſt Charles II. 177. Lands in Scotland, is defeated and taken priſoner, 178. His cruel treatment, 179. Is executed, 181.

Morcar and Edwin rebel againſt the injuſtice of Toſti duke of Northumberland, i. 176. Morcar juſtifies their cauſe, and is made duke, *ib.* Head the Engliſh againſt the Normans, after the battle of Haſtings, 232. Submit to William the Conqueror, 236. Attend him to Normandy, 239. Excite a rebellion in the North, 245. Reduced, 246. Their deaths, 261.

More, Sir Thomas, remarks on his account of Jane Shore, iii. 274, *note*. When ſpeaker of the houſe of commons, joins the perſuaſions of cardinal Wolſey to obtain the grants to Henry VIII. iv. 47. The great ſeal taken from Wolſey, and committed to him, 92. Reſigns the great ſeal on the proſpect of alterations in religion, 109. Refuſes to ſubſcribe the oath regulating the ſucceſſion of the crown, enjoined by parliament, 119. Is attainted by parliament, 121. His cruel perſecution of James Bainham for hereſy, 132. Is tried and executed for denying the king's ſupremacy, 139.

More, Roger, an Iriſh geotleman, forms a conſpiracy to expel the Engliſh from Ireland, vi. 433. His deſign of ſeizing the caſtle of Dublin diſcovered, 436. Is ſhocked at the barbarities of O'Neale, abandons the cauſe, and retires to Flanders, 439.

Morrice, attoroey of the court of wards, makes a motion in the houſe of commons, againſt abuſes of eccleſiaſtical power, v. 365. Is diveſted of his employments, and impriſoned, 366.

———, a gentleman of Devonſhire, is the only friend with whom general Monk conſulted, concerning the reſtoration of Charles II. vii. 322. Is made ſecretary of ſtate by the king, 351.

Mortimer, Roger, his hiſtory, ii. 351. His firſt acquaintance with Iſabella queen to Henry II. *ib.* His intimacy with her, *ib.* Joins Iſabella in a conſpiracy againſt the kiog, *ib.* Invades England with her, 354. Procures the death of the Earl of Arundel, and the chancellor Baldoc, 356. Takes the king out of Leiceſter's cuſtody, and delivers him to the lord Berkeley, Mautravers, and Gournay, 358. Orders the two latter to murder him, 359. Attends Edward III. in his army to oppoſe the Scots, and checks his ardour to engage them, 375. Arrogates to himſelf all authority in government, *ib.* Concludes a treaty with Robert Bruce, 376. His meaſures to diſappoiot any combinations againſt him, *ib.* Contrives the deſtruction of the earl of Kent, 377. Is ſeized by the king, 379. Tried and executed, *ib.*

———, Roger earl of March, declared ſucceſſor by Richard II. iii. 28. Killed in Ireland, 38. His ſons kept priſoners in Windſor-caſtle, by Henry IV. 62.

Mortimer's Croſs, battle of, between Jaſper Tudor earl of Pembroke, and Edward duke of York, iii. 210.

Mortmain, the firſt ſtatute of, when paſſed, ii. 322. The probable motives

tives of Edward I. in this law, *ib.* How eluded in the time of Richard II. iii. 56.

Morton, John, his character, iii. 319. Becomes confidant of Henry VII. *ib.* Made archbiſhop of Canterbury, 320. Created a cardinal, 374.

———, earl of, chancellor of Scotland, becomes jealous of David Rizzio, v. 96. Adviſes Darnley to get him cut off, 97. Takes the coronation oath in the name of the young king James VI. 125. Is appointed commiſſioner in the cauſe of Mary, 134. How he became poſſeſſed of a caſket of Mary's letters, 142. Is appointed by the Scots parliament a commiſſioner to manage a treaty with Elizabeth concerning Mary, 171. Is diſmiſſed by Elizabeth without concluding on any thing, 172. Is choſen regent on the death of the earl of Mar, 202. Reſigns the regency into the hands of the young king, and retires, 231. Returns, and reſumes an influence over government, *ib.* Is tried and condemned for being an accomplice to Darnley's murder, by the influence of the earl of Lenox, 232. His execution haſtened in oppoſition to the interpoſition of Elizabeth, 233.

Mountford, count de, half brother to John III. duke of Britanny, acknowledges Charles de Bloia, as ſucceſſor to that duchy, ii. 416. Endeavours to acquire poſſeſſion of the duchy, *ib.* Engages Edward III. of England to patroniſe his pretenſions, *ib.* Goes to Paris to plead his cauſe, 417. Is taken and confined in the tower of the Louvre, *ib.* See the next article.

———, Jane counteſs of, her vigorous efforts to ſupport her huſband's intereſt in Britanny, ii. 417. Is beſiged by Charles de Blois at Hennebonne, 418. Her vigorous defence, 419. Is relieved by an Engliſh fleet, 420. Goes to England to ſolicit farther ſuccours, *ib.* Edward goes over to Britanny in perſon, 421. A truce concluded for three years, *ib.* Takes Charles de Blois priſoner, 438. Her ſon obtains poſſeſſion of Britanny, and is acknowledged by France, 473.

Mountjoy, lord, proteſts againſt the bill eſtabliſhing a council to judge offences againſt the king's proclamations, the only proteſt againſt any public bill during the reign of Henry VIII. iv. 238.

———, lord, is ſent lord deputy to Ireland, on the precipitate return of the earl of Eſſex, v. 413. Drives Tyrone and his party into the woods and moraſſes, *ib.* His ſucceſſes againſt the rebels, 435. Reduces the Spaniards, and defeats Tyrone, 438. Tyrone ſurrenders himſelf up to him, 445.

Mowbray, John de, ejected from his inheritance of the barony of Gower, by Edward II. at the inſtance of Hugh le Deſpenſer, ii. 345.

———, Robert earl of Northumberland, excites a conſpiracy againſt William Rufus, i. 292. Dies in confinement, *ib.*

Munſter, biſhop of, invades the Dutch territories at the inſtigation of Charles II. but makes peace with the States, vii. 407.

Murden, his account of the military force of England, at the time of the Spaniſh armada, v. 481.

Murder, a liſt of the legal compoſitions for, among our Saxon anceſtors, i. 219.

Murray,

Murray, earl of, appointed by Robert Bruce joint commander of the Scots army with lord Douglas, invading England on the death of Edward II. ii. 372. His reply to the defiance of Edward III. 374. Retires home, *ib.* Is appointed guardian to David Bruce, 381. Dies, 383.

———, lord James, created earl of, and enjoys the chief authority under Mary qoeen of Scotland, v. 47. Becomes diſcontented at the marriage of Mary with lord Darnley, 90. Joins a confederacy of malcontents at Stirling, *ib.* Is ill-uſed by Elizabeth on the occaſion, 91. Obtains a reſtoration to favour, 92. Is invited back to Scotland by Darnley, 98. Is reconciled to Mary, *ib.* Obtains leave to retire into France, 119. Is appointed regent, on the firſt reſignation of Mary, 124. Arrives, and treats Mary harſhly, 125. Summons a parliament, which condemns Mary to impriſonment, *ib.* Demoliſhes the fortreſs of Dunbar, *ib.* Raiſes forces on Mary's eſcape from Lochleven-caſtle, 128. Defeats her at Langſide, *ib.* Is required by Elizabeth to juſtify his conduct toward Mary, 132. Promiſes to come with other commiſſioners to ſubmit his cauſe to Elizabeth, *ib.* Is appointed a commiſſioner by the kingdom for this purpoſe, 134. The ſecret reaſons of the weakneſs of his allegations againſt Mary, 137. Lays his full evidences privately before the Engliſh commiſſioners, and requeſts Elizabeth's protection, 138. Propoſes queries to Elizabeth, *ib.* The conferences transferred to Hampton-court, 139. Accuſes Mary more explicitly, 140. Her commiſſioners refuſe to reply, 141. Produces Mary's letters to Bothwel, with the confeſſion of Hubert, 142. Is diſmiſſed by Elizabeth, with a preſent for his charges, 145. Propoſes to the duke of Norfolk a marriage with Mary, 156. His political motives in this propoſal, 157. Diſcovers Norfolk's deſign to Mary, 160. Is aſſaſſinated, 167. His character, *ib.* Vindicated from the accuſations of queen Mary and her advocates, 502.

Muſcovy, a profitable trade eſtabliſhed with, iv. 447. An embaſſy arrives from, to queen Mary, *ib.* An excluſive trade with, granted to the Engliſh, v. 477. This privilege withdrawn, 478.

N

NAJARA, battle of, between Edward the Black Prince and Henry de Tranſtamare, ii. 477.

Names, Chriſtian, ſtrange modification of, at the time of the commonwealth, vii. 230.

Nantz, the edict of, revoked by Lewis XIV. viii. 242.

Naples, conquered by the joint force of France and Spain, iii. 414. Seized by the latter, *ib.*

Naſeby, battle of, between Charles I. and the generals Fairfax and Cromwel, vii. 57.

Navarre, ſituation of that kingdom, iii. 420. Crafty invaſion of, by Ferdinand of Spain, 421.

———, Anthony king of, is excluded from all office and favour at the court of France, by the influence of the Guiſe family, v. 40. Declares in

in favour of the proteſtants, 41. Is made lieutenant-general of the kingdom, on the acceſſion of Charles IX. 42. Joins the duke of Guiſe againſt the proteſtants, 68. Is mortally wounded at the ſiege of Rouen, 71. For his ſon, ſee *Henry* prince of.

Navarre, Henry prince of, is placed by Coligni at the head of the proteſtants after the defeat of Jarnac, v. 186. Is married to Margaret, ſiſter to Charles, 205. His mother poiſoned by order of the court, *ib.* Is obliged by Charles to renounce the proteſtant religion at the price of his life, during the maſſacre of Paris, 206. Flies from the court, and places himſelf again at the head of the Hugonots, 211. Defeats the king at Coutras, 355. Obtains the crown of France on the death of Henry III. 357. See *Henry* IV.

Navigation act, one of this nature rejected by Henry VI. iii. 215. Is paſſed by the commonwealth parliament, vii. 211. Is ſuſpended by Charles II. 477.

Navy, Engliſh, ſtate of, in the time of queen Mary, iv. 446. The improvement of, by queen Elizabeth, v. 480. Harriſon's account of her navy, 533. A view of the ſtate of, during the reign of James I. vi. 180. The number of ſeamen then employed in the merchants ſervice, 181. Account of the ſtate of, from the reſtoration to the revolution, viii. 327.

Naylor, James, a quaker, his extravagances, vii. 336. Is reſtored to his ſenſes by puniſhment, 337.

Nazan Leod, the Britiſh chief, defeated by Cerdic the Saxon, i. 24.

Neile, biſhop of Lincoln, occaſions diſputes between the two houſes of parliament, by reflecting on the commons, vi. 73. Anecdote of him, 75.

Nero, emperor, ſends Suetonius Paulinus over to Britain, i. 7. Recals him, 9.

Netherlands, the foreign commerce of England at the time of Henry VIII. confined to thoſe countries, iv. 273. The arbitrary and ſevere behaviour of the emperor Charles V. toward the proteſtants there, v. 191. The ducheſs of Parma left governeſs of, by Philip, 192. The Flemiſh exiles become maſters of the Brill, 214. Revolt of Holland and Zealand, 215. See *Orange*. Duke of Alva recalled, 216. The treaty called the Pacification of Ghent, 219. A treaty concluded with Elizabeth, 220. The duke of Anjou comes over to their aſſiſtance, 242. Anjou expelled for an attempt on their liberties, 247. See *United Provinces*. Spaniſh, rapid conqueſts of Lewis XIV. in, vii. 431. Settlement of, by the triple league, and treaty of Aix-la-Chapelle, 435. Dutch, over-run by Louis XIV. 487.

Nevil, Sir John, executed for an inſurrection in Yorkſhire, iv. 213.

Neville, Hugh de, a fine paid to the king by his wife, for leave to paſs a night with him while in priſon, ii. 133.

———, the power, connexions, and branches of that family, iii. 181. Honours beſtowed on, by Edward IV. 235.

Neville's Croſs, battle of, between queen Philippa and David king of Scotland, ii. 439.

Neuſtria, a province in France, granted to Rollo the Dane, i. 138. See *Normandy*.
Newark, is beſieged by the parliamentary forces, but relieved by prince Rupert, vii. 9. Surrenders to the Scots army by the king's order, 74.
Newburn, lord Conway routed there, by the Scots covenanters, vi. 357.
Newbury, battle of, between Charles I. and the earl of Eſſex, vi. 532. Second battle of, vii. 17.
Newcaſtle, the firſt charter granted to the inhabitants of, to dig coal, ii. 230. Is taken by ſtorm, by the earl of Leven, the Scots general, vii. 14.
———, earl of, commands for the king in the north of England, and takes poſſeſſion of York, vi. 513. Is created marquis, 534. Is repulſed in an attack upon Hull, 535. Is beſieged in York, by the parliamentary army, vii. 11. Leaves the kingdom in diſguſt, after the battle of Marſton-moor, 14.
New England, the colony of, how peopled, vii. 341.
New-Foreſt, how and when made, i. 278. Remarkable accidents happening to the family of William the Conqueror in, 308.
Newfoundland, firſt diſcovery of, iii. 405.
New York, is taken from the Dutch by Sir Robert Holmes, vii. 399. Is ceded to the Engliſh by the treaty of Breda, 422.
Newton, the mathematician and philoſopher, his character, viii. 334. His death, *ib.*
Nicholas, Sir Edward, is made ſecretary of ſtate by Charles II. on his reſtoration, vii. 351. Is diſplaced by the influence of the ducheſs of Cleveland, 392.
Nimeguen, congreſs there, under the mediation of Charles II. viii. 21. Peace concluded there, 46. The treaty ratified, *ib.*
Nobility, Saxon and Norman, wherein they differed, i. 211. The titles of, ſold to ſupply James I. with money, vi. 71.
Non-addreſſes, the vote of, paſſed by the long parliament, vii. 113. Is repealed, 121.
Non-conformiſts, their miniſters ejected out of their livings, vii. 384. Five mile act, 408. Act againſt conventicles, 456. Declaration of indulgence, 476. The declaration recalled, 504. A bill for their relief paſſed, 506. See *Puritans*.
Norfolk, an inſurrection there againſt incloſures, headed by Ket, a tanner, iv. 331. The inſurgents defeated by Dudley earl of Warwic, *ib.*
Norfolk, duke of, challenges his accuſer the duke of Hereford, iii. 35. The duel prevented by Richard II. 36. Baniſhed for life, *ib.*
———, Bigod, Roger, earl of, is appointed agent for Henry III. to the council of Lyons, ii. 170. Objects to king John's right of ſubjecting England to the ſupremacy of Rome, *ib.* His addreſs to Henry III. on the parliament aſſembling in armour, 183. Is gained over to the royal party by prince Edward, 200. Refuſes to ſerve in the expedition to Gaſcony, and quarrels with the king, 289. Refuſes to attend the king to Flanders, *ib.* A new mareſchal appointed in his place for that ſervice, 290. He and the earl of Hereford preſent a remonſtrance to him on his departures *ib.* Demands of parliament a confirmation of the charters, and indemnity for himſelf, which are granted, 291. Obtains a full confirmation of them from the king on his return, 292.

Norfolk, earl of, brother to Edward II. engages with queen Iſabella, in a conſpiracy againſt him, ii. 353.

———, duke of, reſigns his office of treaſurer, and retires from court, iv. 4.

———, duke of, oppoſes the progreſs of the reformation, iv. 129. From what motives he became an enemy to his niece queen Anne Boleyn, 158. Preſides as high ſteward on her trial, 159. Is commiſſioned to ſuppreſs Aſke's inſurrection, termed the Pilgrimage of Grace, 172. His prudent meaſures to diſtreſs the inſurgents, 173. Prevails on them to diſperſe, 174. Routs another inſurrection, and puts their officers to death, 175. Propoſes the framing of the bill of ſix articles to the houſe of lords, 194. The repartee of one of his chaplains to him, concerning the celibacy of prieſts, 195, *note*. Procures a commiſſion to commit Cromwel to the Tower, 207. Influences the king to a cruel perſecution of heretics, on his niece Catherine Howard becoming queen, 212. Is appointed to command in the war againſt Scotland, 228. Attends Henry in his invaſion of France, 246. Is checked by the king in a ſcheme of ruining Cranmer, 255. A review of his ſervices and honours, 261. Is, with his ſon the earl of Surrey, committed to the Tower, 262. Surrey executed, 263. Is attainted by the parliament, *ib.* Ordered for execution, but ſaved by the king's death, 264. Is releaſed from confinement by queen Mary, 374. His attainder reverſed by parliament, 380. Adviſes Mary to the Spaniſh alliance, 383. Is ſent to ſuppreſs Wiat's inſurrection in Kent, but is forced to retire by a deſertion of his troops, 389.

———, the young duke of, is appointed lieutenant of the northern counties by qneen Elizabeth, v. 35. Is appointed one of the commiſſioners in the cauſe between Mary queen of Scots and Murray the regent, 134. Entertains hopes of marrying Mary, 138. Tranſmits Murray's queries to Elizabeth, *ib.* His character, 155. A marriage with Mary propoſed to him by Murray, 156. Obtains the countenance of ſeveral of the nobility to this ſcheme, 158. Secures the concurrence of France and Spain, 159. Receives intimations from the queen of her knowledge of his negociations, 160. Endeavours to diſcredit the reports raiſed againſt him to the queen, 161. Is committed to the Tower, and his friends taken into cuſtody, 162. Is releaſed on promiſe of thinking no farther of Mary, 165. Renews his correſpondence with Mary, 196. Enters into a conſpiracy with the duke of Alva, againſt Elizabeth, 197. His ſcheme diſcovered by lord Burleigh, 198. Is tried, 199. Executed, 200.

Norham, caſtle of, conference there, between Edward I. and the Scots parliament, to determine the right of the crown of Scotland, ii. 253.

Normans, origin of the name, i. 67. Their firſt invaſions of France, *ib.* And England, See *William*. Their character, 181, 316.

Norman barons, conſpire againſt William the Conqueror, i. 263. Suppreſſed, 265. Inſtance of their voting in Engliſh councils, 399.

Normandy, ſettled by Rollo the Dane, i. 138. Hiſtory of his ſucceſſors, 139. Character of the Normans, 182. 314. William duke of, obtains the crown of England, 234. See *William* the Conqueror; and *Robert*.

Robert. Invaded by Philip of France, on the news of Richard I. being imprisoned in Germany, on his return from the crusade, ii. 24. Philip repulsed at Roüen by the earl of Leicester, 25. John invested with the duchy of, on his brother Richard's death, 41. Laid under an interdict on account of the bishop of Beauvais's captivity, who is surrendered, 42. Two Brabançons left governors of it, by John, on his leaving it, 53. Recovered by Philip, 54. The barons of, how differently circumstanced from those of other countries, during their connexion with England, 77. The states of, how composed, 119. Formally ceded to Lewis IX. by Henry III. of England, 190. Is suddenly invaded by Edward III. 426. Caen seized and plundered, 428. Calais taken, 442. Is invaded by four French armies, iii. 176. Finally reduced to the government of France, 178.

Norris, Sir John, joins Sir Francis Drake in his expedition to Portugal, v. 348. Commands the English forces sent to reduce Britanny for Henry IV. 374. Is sent to reduce insurrections in Ireland, *ib.* Is deceived by the treacherous negociations of Tyrone, and dies of vexation, 402.

North-west passage, three attempts for the discovery of, made by Sir Martin Frobisher, v. 477. Davis's straits discovered, *ib.* Attempts for the discovery of, made in the reign of James I. vi. 183.

Northampton, a council called there, by king Henry II. in which Thomas a Becket is condemned, i. 397. Battle of, between Henry VI. and the earl of Warwic, iii. 205.

Northumberland, history of the Saxon kingdom of, i. 40.

——— ———, earl of, defeats earl Douglas at Homeldon, iii. 68. Rebels against Henry IV. and leagues with the Welch and Scots, 69. His son defeated and killed by the king, 71. His submission accepted, 72. Retires to Scotland, and is killed in an irruption into England, 74.

——— ———, Dudley earl of Warwic, made duke of, iv. 350. Determines to ruin Somerset, 351. Causes Somerset, his duchess, and friends, to be arrested, *ib.* Trial and execution of Somerset, 352. Endeavours to get Tonstal bishop of Durham attainted, but is disappointed by the commons, 357. His measures in the calling a new parliament, 358. His representations to induce the king to alter the succession, 360. Places his own emissaries about the king, 362. Abuses the chief justice, Sir Edward Montague, for refusing to draw the deed of settlement for lady Jane Gray, 363. Procures the patent to be passed, 364. Endeavours to get the two princesses Mary and Elizabeth into his power, 367. Proclaims the lady Jane Gray, 369. Is disconcerted at the bad aspect of affairs, 370. Takes the command of the army, 371. Is deserted by his army, and proclaims queen Mary, 372. Is apprehended, *ib.* Is tried and executed, 373.

——— ———, earl of, offers to release Mary queen of Scots from her confinement in England, v. 161. Enters into a negociation with the duke d'Alva, and raises an insurrection with the earl of Westmoreland in the North, 163. Is taken by Murray, and confined in the castle of Lochleven, 164. Is delivered up and executed, 200.

——— ———, earl of, is sent by Charles I. to command his army against the Scots, vi. 357. Retires from Newcastle on the rout of lord Conway at Newburn,

Newburn, *ib.* The command by his illneſs devolves on Strafford, 358. Joins the parliament againſt the king, 496. Retires to his ſeat, 530.
Northumberland, extract of ſome curious particulars from a houſehold book of an old earl of that family, iii. 460.
Norway, maid of. See *Margaret*.
Norwich, biſhop of, leads out a cruſade againſt the Clementines, iii. 58.
——, John lord, is beſieged by the duke of Normandy in Angouleme, ii. 424. His ſtratagem to ſave the garriſon, 425.
Nottingham, counteſs of, diſcovers on her death-bed, to queen Elizabeth, her treachery to the earl of Eſſex, v. 446.
——, earl of, and lord high admiral, is ſent to Spain to ratify the peace with, vi. 28. Sentiments of the Spaniards at ſight of his train, *ib.*
Nova Belgia taken from the Dutch by Sir Robert Holmes, vii. 399. See *New York*.
Nowel, chaplain to queen Elizabeth, openly reproved by her, for ſpeaking irreverently of the ſign of the croſs, v. 153, *note*.
Noyen, treaty of, between Francis I. of France, and Charles king of Spain, afterward emperor, iv. 12.

O

OATES, Titus, his acconnt of a popiſh plot, viii. 65. His birth and character, 69. Is examined before the council, *ib.* Inconſiſtencies of his narrative pointed out, 73. Obtains a penſion, 77. His evidence againſt lord Strafford, 140. Is heavily fined for calling the duke of York a popiſh traitor, 200. Is convicted and ſentenced for perjury, 225.
Oath, ex officio, arbitrary adminiſtration of, by the court of eccleſiaſtical commiſſion, v. 263.
Odo, biſhop of Baieux, uterine brother to William the Conqueror, left joint adminiſtrator of the kingdom, with William Fitzoſborn, during his brother's abſence in Normandy, i. 239. Aſpires to the popedom, 278. Seized by William, and confined during his reign, 279. Engages in a conſpiracy againſt William Rufus, 287.
Offa, king of Mercia, his deſcent, i. 48. Succeeds Ethelbald, *ib.* His wars, *ib.* His treacherous murder of Ethelbert, king of the Eaſt Angles, *ib.* His pious deeds of expiation, 49. Impoſes the tax of Peter's pence, *ib.* Endows a rich monaſtery at St. Alban's, *ib.* Enters into an alliance with Charlemagne, 50. Makes a rampart againſt the Welch, *ib. note.*
Okey, colonel, one of the king's judges, is ſeized in Holland, brought home, and executed, vii. 380. His character, *ib.*
Olave the Dane, his character, i. 134. Confirmed by Engliſh biſhops, and canonized by the church of Rome, *ib.*
Old man of the mountains. See *Aſſaſſins*.
Oldcaſtle, Sir John. See *Cobham*.
O'Neale, Hugh. See *Tyrone*.
O'Neale, Owen, enters into a conſpiracy with Rinuccini, the pope's legate, againſt the lord-lieutenant Ormond, vii. 162. Enters into a correſpondence

ence with the parliamentary generals, 164. Is reduced by Cromwel, 170.

O'Neale, Sir Phelim, engages in Roger More's conſpiracy to expel the Engliſh from Ireland, vi. 433. His cruel maſſacre of the Engliſh in Ulſter, 437. Forges a commiſſion from the king for his inſurrection, 443. Is taken and executed by Ireton, vii. 206.

O'Neals, Shan, his hiſtory and character, v. 398.

Opdam, the Dutch admiral, is killed in an engagement with the duke of York, vii. 403.

Orange, prince of, taken priſoner by the French on the defeat of the duke of Britanny, iii. 342. Gained over and releaſed, to perſuade the young ducheſs to a marriage with the French king, 348.

———, William prince of, is condemned as a rebel, and his poſſeſſions confiſcated by the duke of Alva, v. 215. Unites the towns of Holland and Zealand into a league againſt the Spaniſh government, 216. Sends an embaſſy to implore the aſſiſtance of Elizabeth, 217. Concludes the treaty called the Pacification of Ghent, 219. Concludes a treaty with queen Elizabeth, 220. Is aſſaſſinated by Gerard, 267.

———, Maurice prince of, ſucceeds the earl of Leiceſter in the government of the United Provinces, v. 329. Battle of Tournholt, 376. Renews the war with Spain on the expiration of the truce, vi. 147.

———, William prince of, is married to the princeſs Mary of England, vi. 424.

———, William prince of, is educated by John De Wit, vii. 482. His character, *ib.* Is appointed general and admiral of the United Provinces, 483. Is made Stadtholder, 494. Unites the Dutch to oppoſe the conqueſts of Louis XIV. 498. Is joined by the imperial general Montecuculi, and obliges the French to abandon the Low Countries, 510. His obſtinate battle with the prince of Condé at Seneffe, viii. 9. Is unable to prevent the loſs of Bouchaine, 21. Is defeated by the French at St. Omers, 27. Comes over to England to marry the princeſs Mary, 33. The marriage concluded, 34. Concerts with Charles the plan of peace, 35. Attacks the French army the day after ſigning the peace at Nimeguen, 46. Remarks on his conduct with reſpect to Engliſh affairs, 277. Forms a league againſt Louis XIV. 278. Refuſes to concur in the deſigns of James II. 279. His reply to the king's ſolicitations, by Fagel, 280. His inſtructions to Dykevelt, his envoy to England, 281. Applications made to him by the Engliſh, 282. Is formally invited over to England by the principal men 283. The motives which induced him to liſten to the overtures of the Engliſh, 284. His preparations to oppoſe king James, 285. His declaration publiſhed, 292. Embarks, 293. Lands at Torbay, 294. Declines treating with the commiſſioners, and marches for London, 299. Orders the king, on his return after his firſt flight, not to approach London, 303. Is deſired by the peers to aſſume the government, and to ſummon a convention, 308. Summons the convention, *ib.* Summons a convention at Edinburgh, 309. Receives an offer of the crown of Scotland, 310. His conduct during the meeting of the convention parliament, 317. His declaration to a meeting of peers, *ib.* The crown ſettled on him and the princeſs, 319.

Ordainers,

Ordainers, a council of, formed in the reign of Edward II. by parliament, to govern the nation, ii. 333. Ordinances framed by, *ib.* Aim particularly at Piers Gavaſton, and baniſh him, 334.

Ordeal, in the Anglo-Saxon law, the ſeveral ſpecies of, i. 224.

Ordinance, the ſelf-denying one, paſſed by the long parliament, vii. 27.

Orkney, earl Bothwel made duke of, v. 113. The banns ordered to be publiſhed between him and queen Mary, *ib.* Is married to her by the biſhop of Orkney, 115. Endeavours to get prince James into his power, 118. Raiſes an army to oppoſe a confederacy of nobles formed againſt him, *ib.* Flies to the Orkneys, and ſubſiſts by piracy, 119. Eſcapes to Denmark, where he dies miſerably in priſon, 120.

———, biſhop of, marries Mary queen of Scots to Bothwel, v. 115. Is appointed one of the commiſſioners in her cauſe, on the part of the king and kingdom, 134.

Orleans, city of, beſieged by the earl of Saliſbury, iii. 138. Succeeded by the earl of Suffolk on his death, 139. Cannon firſt ſucceſsfully applied at this ſiege, *ib.* Battle of Herrings, 140. The duke of Burgundy recals his troops from the ſiege, *ib.* Diſtreſs of the town and garriſon, 141. Joan d'Arc enters it with a convoy, 146. A ſecond convoy enters unmoleſted, *ib.* The Engliſh repulſed from ſeveral of their poſts, 148. Amazement of the beſiegers, *ib.* The ſiege raiſed, 149. See *Joan d'Arc*. Is beſieged by the duke of Guiſe, 78. Guiſe aſſaſſinated there, *ib.*

———, Lewis duke of, diſputes the adminiſtration of affairs with the duke of Burgundy, on the infanity of Charles VI. iii. 93. Reconciliation between them, *ib.* Aſſaſſinated by the duke of Burgundy, *ib.* For his natural ſon, ſee *Dunois*.

———, duke of, taken priſoner at the battle of Azincour, iii. 102. Obtains a neutrality for his demeſnes, 140. Ranſoms himſelf, 168.

———, Lewis duke of, diſputes the adminiſtration of France during the minority of Charles VIII. with the princeſs Anne of Beaujeu, iii. 336. Obliged to fly to the court of Britanny, *ib.* Commands the duke of Britanny's forces againſt the invaſion of France, *ib.* Taken priſoner by the French, 342. Releaſed, to promote the king of France's ſuit to the ducheſs of Britanny, 349. Succeeds to the crown of France, 384. See *Lewis* XII.

Ormeſby, left juſticiary of Scotland on the return of earl Warrenne to England, ii. 298. The Scots irritated at his oppreſſions, *ib.* Flies to England, on the appearance of William Wallace, 299.

Ormond, earl of, reduces the Spaniſh general San Joſepho in Kerry, v. 233.

———, earl of, his ſucceſſes againſt the Iriſh rebels, vi. 544. Engages the juſtices and council to adhere to the king againſt the parliament, *ib.* Concludes a ceſſation with the rebels by the king's order, 546. Sends over troops to aſſiſt the king, 547. Glamorgan treats with the Iriſh rebels without his knowledge, vii. 67. Reſigns Dublin, and all other places, by the king's order, to the parliamentary forces, 76. Concludes a peace with the council of Kilkenny, and engages it to aſſiſt the king, 161. Narrowly eſcapes from a conſpiracy formed againſt him, 162. Retires to France, 163. Returns back, *ib.* Reduces the parliamentary

liamentary garriſons, 165. Beſieges Dublin, 169. Is defeated by a ſally from the city, *ib.* Again leaves the iſland, 171. Comes to England to concert a conſpiracy againſt the protector, 280. Is forced to fly, 281. Is made ſteward of the houſehold, and created a duke, 351. Is made lord lieutenant of Ireland, where he ſuppreſſes an intended inſurrection, 447. Remonſtrates againſt the Engliſh act prohibiting the importation of Iriſh cattle, *ib.* Is ſeized by Blood, but reſcued, 470. Is again ſent lord-lieutenant of Ireland, viii. 162. His adminiſtration vindicated, by his ſon Oſſory, againſt lord Shafteſbury, 163. Is recalled by king James, 251.

Oſric, king of Deïri, and Eanfrid, king of Bernicia, apoſtatiſe to paganiſm, and both periſh in battle, i. 44.

Oſtend, ſhort account of the ſiege of, by the Spaniards, v. 444, *note*.

Oſſory, lord, ſon of the duke of Ormond, his bold ſpeech to the duke of Buckingham, vii. 470. Commands in the fleet under prince Rupert, 507. Juſtifies his father's adminiſtration in Ireland againſt lord Shafteſbury, viii. 163.

Oſwald, king of Northumberland, recovers the diſmembered parts of his kingdom, and reſtores the Chriſtian religion, i. 44. Gives the Britons a final defeat, *ib.* Slain by Penda, king of Mercia, 45. Hiſtory of his ſucceſſors, *ib.*

Otterburne, battle of, iii. 25.

Otway, the poet, his unhappy fate, viii. 338.

Overbury, Sir Thomas, aſſiſts young Carre, the king's favourite, with good advice, vi. 66. His imprudence in the affair of lady Eſſex, 68. Is committed to the Tower, by the deceitful contrivance of Rocheſter, 69. Is poiſoned, by order of Somerſet and his lady, 70. His remarks on the Engliſh navy, 181.

Outlaws, whether eligible to parliament, vi. 17.

Oxford Univerſity, by whom firſt founded, i. 96. The parliament, afterward called the *mad* parliament, aſſembles there, ii. 183. The proviſions of, enacted, 184. See *Barons*. Lectures on civil law, when firſt read there, iii. 299. When firſt erected into a biſhopric, iv. 183. The parliament removed thither by Charles I. on account of the plague at London, vi. 206. This parliament diſſolved on the plague appearing there, 212. Negociations there for a peace between the king and parliament, 510. The king endeavours to form a parliament there, in oppoſition to that at London, vii. 3.

———, earl of, invites Henry VII. to an entertainment, iii. 399. Fined by the king for his retainers, 400.

P

PACK, alderman, makes a motion in parliament for giving Cromwel the title of king, vii. 270.

Paget, ſecretary, remonſtrates to lord Seymour the impropriety of caballing againſt his brother, the protector, iv. 314. Informs the protector of his practices, and adviſes him to return from Scotland, to guard againſt them,

them, *ib.* Adheres to Somerſet in his diſtreſs, 337. Adviſes Mary to the Spaniſh allianee, 383.

Palatinate of the Rhine. See *Frederic.* The Engliſh undertake the recovery of it, vi. 151. The attempt fails, *ib.* Treaty of Weſtphalia, vii. 246.

Paleſtine, ſtate of, at the arrival of the cruſaders, Richard I. of England, and Philip of France, ii. 14.

Palmer, Mrs. See *Cleveland.*

———, Sir Thomas, is employed by Northumberland as a ſpy upon Somerſet, iv. 351. His accuſation againſt Somerſet, *ib.* Is apprehended for joining the party of the lady Jane Gray, 372. Is executed, 373.

Pandolf, legate from pope Innocent III. to Philip, in his expedition againſt king John of England, his private inſtructions, ii. 70. Propoſes an interview with John, *ib.* Procures his ſubmiſſion to the pope, 71. Receives the reſignation of his kingdom, and homage from him, *ib.* Excommunicates the earl of Albemarle and his adherents, 153.

Papacy, the ſeat of, how fixed in Italy, iii. 57.

Papal authority, the popular ſentiments of, in the reign of Edward III. ii. 493. Renounced by Henry VIII. iv. 119. See *Reformation.*

Parr, Catharine, married to Henry VIII. iv. 239. Is made regent during Henry's abſence in France, 246. Her narrow eſcape from impeachment for hereſy, 258. Her prudent evaſion of this danger. 259. Marries lord Seymour ſoon after Henry's death, 314. Dies in child-bed, 315.

Paris, maſſacre of the Hugonots in that city, on the eve of St. Bartholomew, v. 205. See *France.*

Parker, archbiſhop, his character, v. 262.

———, biſhop of Oxford, is violently appointed preſident of Magdalen-hall, by James II. viii. 266.

Parliament, Engliſh, a view of, in its feudal form, ii. 114. By what titles the clergy obtained ſeats in, *ib.* The importance of the barons in, 115. The commons not originally a part of, 116. Compoſed wholly of military tenants, *ib.* When uſually aſſembled, 121. That ſummoned at Oxford in the minority of Henry III. grants, in his name, a renewal and confirmation of the great charter, 155. Refuſes ſupplies to Henry, 165. 172. The ſpirited remonſtrances of, to the king, on his demand of a ſupply, 177. Grants a ſupply on a ſolemn confirmation of the great charter, 179. Aſſembles, dreſſed in armour, 183. That termed the *mad* one, meets at Oxford, *ib.* A ſupreme council of twenty-four choſen by, to regulate the government, *ib.* The firſt efforts toward ſending repreſentatives of counties to, 184. Regular ſeſſions of, appointed by the council of barons, *ib.* A committee appointed by the council of twenty-four, of equal authority with, to act in the intervals of the ſeſſions, 187. One called by Henry, which authoriſes him to reſume the government, in conſequence of the pope's abſolution, 194. One ſummoned by Leiceſter after the battle of Lewes, which appoints a council of nine to adminiſter government, 208. Again ſummoned by Leiceſter, and the houſe of commons regularly formed, 210. Approves of the ordinances of the reforming barons, after the civil wars were

ended, 223. Other laws enacted in the reign of Henry III. *ib.* The firſt ſummoned by Edward I. reforms the adminiſtration of juſtice, 235. The barons prohibited coming to, except ſummoned by writ, 269. Grants ſupplies to Edward for a French war, 284. Is awed into a confirmation of the two charters, by the earls of Norfolk and Hereford, while the king is in Flanders, 292. A ſummary view of the ſupplies granted to Edward I. 323. The baniſhment of Piers Gavaſton demanded by Thomas earl of Lancaſter, 331. Procures the government to be veſted in a council of twelve, 333. Paſſes a ſentence of forfeiture and perpetual exile againſt the Deſpencers, 346. Depoſes Edward II. 357. A council of regency formed by, to act during the minority of Edw. III. 371. Ratifies Mortimer's treaty with Robert Bruce, 376. Condemns Mortimer to death, 379. Aſſiſts the king in his endeavours to reſtore Edward Baliol in Scotland, and its advice to him, 386. Grants ſupplies to aſſiſt the pretenſions of Edward to the crown of France, 396. Is ſummoned by prince Edward during his father's abſence in Flanders, but no ſupplies obtained, 400. Remarks on the preſent power of, *ib.* Its conditional grants to the king, 401. Reſolutions of, on his aſſumed title as king of France, 402. Frames an act for redreſs of grievances before the making the required grants, 412. Is prevailed on to repeal this act, 414. Adviſes the king to break the truce with Philip, and makes grants for the renewal of the war, 423. The conſideration it arrived to, in the reign of Edward III. 487. Its frequent endeavours to aboliſh purveyance in this reign, 489. Attempts in vain to reduce the price of labour, 496. Settlement of government eſtabliſhed by, during the minority of Richard II. iii. 3. Is diſſolved, and the increaſe of its authority ſhewn, 4. Impoſes a poll-tax, and the alarming conſequences of it, 6. Its peremptory deputation to the king, 15. Its undue compact with the duke of Glouceſter and his party, 19. Proceedings againſt the miniſtry, 20. The irregularity of their conduct, 23. Influence of the king over, and their compliance with his meaſures, 449. Adjourned to Shrewſbury, 33. Grants Richard the duties on wool and leather for life, with other ſubſidies, *ib.* Before their diſſolution veſt the parliamentary authority in a committee of twelve lords and ſix commoners, 34. Names of the commiſſioners, *ib. note.* Heads of the accuſation preſented to, againſt king Richard, 41. Depoſes him, 46. Act againſt herefy, 55. Repealed, *ib.* The repeal ſuppreſſed by the influence of the clergy, *ib.* Confuſions in, at the acceſſion of Henry IV. 62. Oppoſes his attempt to exclude females from the ſucceſſion, 80. Adviſes the king to ſeize the temporalities of the church, *ib.* Renews the ſame advice to Henry V. 92. Grants to Henry, after the battle of Azincour, 103. 113. Cauſes which contributed to encreaſe its influence in government, 123. Appoints a new arrangement of adminiſtration during the minority of Henry VI. *ib.* Refuſes ſupplies to the duke of Bedford, regent of France, 153. One called at St. Edmund's Bury, 172. Makes the duke of York protector during pleaſure, 199. Reſumes all the grants to the crown ſince the time of Henry V. 201. That of Coventry, remarks on, 214. The title of Edward IV. recognized by, 221. Attainders reverſed, *ib.* Act of forfeiture and attainder paſſed againſt Henry

Henry VI. and his queen, and their party, 222. Summoned, at the reſtoration of Henry VI. 243. New ſyſtem of attainders and reverſals, *ib.* Summoned by Edward on his reſtoration, 251. Their grants to the king toward a French war, 253. Reflections on the inconſiſtency of their proceedings, 263. One ſummoned by Richard III. recognizes his authority, creates his ſon prince of Wales, and makes grants, 290. Attainders reverſed on the coming in of Henry VII. 315. Expedient for qualifying the king's prior attainder, *ib.* Entail of the crown, how managed, 316. Attainders of the York party, 318. Grants a ſupply for the aſſiſtance of the duke of Britanny, 343. Grants ſupplies to the king for a war with France, 353. Paſſes a law to indemnify all who act under the authority of the king for the time being, 366. Grants Henry another ſubſidy, 372. Its obſequiouſneſs to his oppreſſive meaſures, 389. Chuſes Dudley, the miniſter of his extortions, ſpeaker, *ib.* Star-chamber authority confirmed by, 397. The king's ſuit for murder limited within a year and a day, 398. Benefit of clergy abridged, *ib.* Statutes againſt retainers, and for other ſalutary purpoſes, 399. Law permitting the entailment of eſtates to be broke, 400. Review of other laws paſſed by Henry VII. 401. The firſt of Henry VIII. attaints Empſon and Dudley, the miniſters of the extortions of Henry VII. 412. Redreſſes ſome abuſes in the late reign, *ib. note.* Grants ſupplies for a war with France, 419. Impoſes a proportional poll-tax, 424. Grants of, to Henry, by the influence of cardinal Wolſey, and of Sir Thomas More, iv. 47. Paſſes on act againſt levying annates, 107. Continues to abridge the papal authority, in the regulation of monaſteries, and election of biſhops, 117. The ſucceſſion of the crown regulated, 118. Declares the king ſupreme head of the church, 120. Attaints Sir Thomas More, and biſhop Fiſher, 121. Unites England and Wales, *ib.* Paſſes an act of attainder againſt the accomplices of *the Holy Maid of Kent*, 137. The leſſer monaſteries ſuppreſſed by, 150. Farther progreſs made in the uninn between England and Wales, 151. The groſs flattery of the ſpeaker of the commons to the king, 163. Reaſon aſſigned for annulling the king's marriage with Anne Boleyn, *ib.* The princeſs Mary and Elizabeth illegitimated, and the ſucceſſion ſettled on the king's iſſue by Jane Seymour, *ib.* All authority of the biſhop of Rome renounced, 164. Paſſes the bill of ſix articles, for aboliſhing diverſity of opinions in religion, 194. Enacts that royal proclamations ſhall have the force of laws, 196. Yet paſſes a ſtatute declaring that the king's proclamations ſhall not infringe the laws or cuſtoms of the realm, *ib.* Confirms the ſurrender of the monaſteries, 199. Diſſolves the order of St. John of Jeruſalem, or knights of Malta, 205. Grants, with reluctance, ſupplies to Henry, 206. Inſtance of its ſervile compliance with Henry's caprices, 459. Condemns Dr. Barnes for hereſy, 212. Attaints queen Catherine Howard and her aſſociates, 219. Paſſes an act to ſecure the virtue of Henry's future wives, 221. Ireland erected into a kingdom by, 459. Ratifies the future deciſions of the commiſſioners appointed by the king to eſtabliſh a religion, 222. Prohibits the reading of the bible to the lower claſſes of the people, 224. Grants ſupplies for a French war, 237. Enacts that offences againſt the king's proclamations ſhall be judged by a council of nine, *ib.* Enforces obe-

dience to the *Erudition of a Chriſtian Man*, publiſhed by Henry VIII. 238. Reſtores the princeſſes Mary and Elizabeth to their right of ſucceſſion, 242. The ſtyle of the king's regal title ſettled, *ib.* The king's debts contracted by a general loan remitted, 243. Another oath of the king's ſupremacy impoſed, *ib.* The law of the ſix articles mitigated, *ib.* Grants another ſubſidy, 251. Beſtows on the king all the univerſity and hoſpital revenues, *ib.* The abject flattery beſtowed on the king, 252. Henry's ſpeech to, on proroguing it, *ib.* Attainder of the duke of Norfolk, 263. A recapitulation of the ſtatutes paſſed by Henry VIII. 269. Remarks on the ſtatute granting him the duties of tonnage and poundage, 272. One ſummoned by the duke of Somerſet, protector, 306. The wholeſome laws paſſed this ſeſſion, *ib.* Lord Seymour condemned, 319. Celibacy recommended to the clergy, but their marriage permitted, 321. Heavy taxes laid on money and trade, 462, *note.* Deprives the protector of all his offices, and fines him, 340. Paſſes a ſevere act againſt rioters, *ib.* Intereſt for money declared illegal, 354. The new liturgy authoriſed, *ib.* Acts paſſed, againſt treaſon, and making proviſion for the poor, *ib.* The Latin maſs celebrated in, at the acceſſion of queen Mary, 379. The ſpecies of treaſon limited, *ib.* The queen's legitimacy eſtabliſhed, *ib* All Edward's ſtatutes of religion repealed, *ib.* The duke of Norfolk's attainder reverſed, 380. Is diſſolved, for oppoſing the Spaniſh alliance, 385. A large ſum ſent over by the emperor Charles V. to bribe the new one, 394. Gardiner's ſpeech at the opening of, 395. The caution of, with reſpect to the pretenſions of Philip, *ib.* Is diſſolved, 397. A new one ſummoned, which reverſes the attainder of cardinal Pole, 399. Implores forgiveneſs of the pope, for their defection from the church of Rome, 400. Its caution to prevent the reſumption of church-lands, *ib.* Revives the ſanguinary laws againſt heretics, 401. Tenths and firſt-fruits reſtored to the church, 422. Subſidies granted by a new one, 441. All ſales or grants of crown-lands by the queen, for ſeven years to come, confirmed, *ib.* Law for regulating the militia, 448. The firſt law for repair of the high-ways by a general pariſh-duty, 449. The joy diſcovered at the acceſſion of queen Elizabeth, v. 2. A new one called, by whom the title of the queen is recognized, 9. The newly erected monaſteries ſuppreſſed, 10. All ſtatutes of Edward VI. concerning religion, reſtored, 11. The nomination of biſhops given to the crown, *ib.* The maſs aboliſhed, and liturgy reſtored, 12. The queen's royal power over all her dominions ſtrongly aſſerted, and the aſſertion of the papal authority ſubjected to the penalties of treaſon, 76. Laws againſt propheſying and witchcraft, 77. Supplies granted to the queen, *ib.* Elizabeth's ſpeech at the diſſolution of, 103. A new one ſummoned, after an interval of five years, 173. Is prohibited, by the queen's order, from meddling with any matters of ſtate, *ib.* Reflections on her haughty treatment of, and her declared notions of the proper objects of its attention, 181. Laws paſſed this ſeſſion of, 183. A ſpirited ſpeech of Peter Wentworth, a commoner, in favour of liberty of ſpeech in, 225. Petitions the queen for church reformation, inſtead of proceeding on the bill introduced for that purpoſe, 228. Supplies granted by, to the queen, 235. Laws againſt

againſt popery, 236. Confirms the aſſociation for the protection of the queen, 258. Appoints a regency, in caſe of her violent death, 259. A ſevere law againſt Jeſuits and popiſh prieſts, *ib.* Elizabeth's ſpeech, on the application made by the commons for farther religious reformation, 264. Ratifies the ſentence againſt Mary, queen of Scots, and petitions for her execution, 301. Grants ſupplies to the queen, on the defeat of the Spaniſh armada, 345. Paſſes a ſevere law againſt recuſants, 366. Votes ſupplies, 367. The queen's ſpeech to, *ib.* Its legiſlative power checked by Elizabeth, 463. Tyrannical ſtatutes paſſed by, 466. One ſummoned by James I. vi. 14. Appoints commiſſioners at the king's deſire, to treat of an union between the two kingdoms, 25. Becomes jealous of the regal prerogative in eccleſiaſtical affairs, 53. Buckingham lays before it an inſincere account of the treaty for the Spaniſh match, which the king and prince vouch, 141. The king's ſpeech relative to a war with Spain, 142. An act againſt monopolies, 143. One ſummoned by Charles I. on his acceſſion, 199. Its ill-humour, owing to diſguſt againſt Buckingham, 201. Other contributing cauſes, 202. Is adjourned to Oxford on account of the plague, 206. The king lays his neceſſities before it, *ib.* Refuſes ſupplies, 207. Diſſolved, on the plague appearing at Oxford, 211. A ſecond called by Charles, 212. A third ſummoned, 239. The king's threatening addreſs to it, 240. The petition of right paſſed, 253; which is followed by a grant of ſupplies, 256. Is diſſolved, 276. Is ſummoned after eleven years interval, 345. The king's pleas to procure ſupplies, 346. Is abruptly diſſolved, 353. Meeting of the long, 367. An act for triennial parliaments paſſed, 394. Attainder of Strafford, 414. Act againſt adjourning and proroguing the parliament without its own conſent, 416. The ſtar-chamber, and high commiſſion court, aboliſhed, 420. Other arbitrary courts ſuppreſſed, 422. Adjourns, and appoints a committee of both houſes to ſit during the receſs, 423. Appoints a committee to attend the king to Scotland, *ib.* Makes a preſent, with acknowledgments, to the Scottiſh army, which are now diſbanded, 425. A day of thankſgiving appointed for the national pacification, *ib.* Applies to the earl of Eſſex for a guard, 429. Votes the king's interfering in a bill depending in, to be a breach of privilege, 458. Reflections on the uncertainty of parliamentary privileges, 459. Petitions or addreſſes received from divers bodies of the common people, promiſing to protect its privileges, 475. Is petitioned by a body of women, 476. The biſhops votes taken away, 477. Threatens the queen with an impeachment, *ib.* Paſſes the militia-bill, 479. Raiſes an army, and appoints the earl of Eſſex general, 490. Obtains loans of the people, *ib.* Sends conditions of agreement to the king, 492. Stops all remittances of revenue to the king, 496. Their fleet intercepts ſupplies from the queen to the king, *ib.* Its haughty reception of the king's overtures, 500. Votes an addreſs for a treaty after the battle of Edge-hill, 518. Its demands in the negociation at Oxford, 519. For the operations of its forces againſt the king, ſee *Eſſex, Waller, Fairfax, Cromwel*, &c. The military operations conducted by a committee of both houſes, 526. The ſecret meaſures and deſpotic authority of this committee, *ib.* Applies to Scotland

land for assistance, 536. Sends commissioners to engage the Scots to confederate with them, 540. Receives and enforces subscription to the solemn league and covenant, 541. Remits money to Scotland, to raise an army, 542. Measures taken to suppress the Irish rebellion, 543. A committee of, sent to Ireland, is excluded the council by the influence of Ormond, 544. Lays an excise on beer, wine, and other commodities, vii. 4. Publishes an ordinance for retrenching a meal a week, toward the public service, *ib.* Is wrote to by the king, but rejects his offers of treaty, 6. The independents form a party in, 21. Differences between Manchester and Cromwel, 22. Passes the self-denying ordinance, 27. Receives proposals from the king for a treaty, 30. Sends commissioners to Uxbridge, 31. Summons an assembly of divines at Westminster, for regulating religion, 32. Demands of the commissioners at Uxbridge, as to religion, *ib.* Demands as to the militia, 35. Demands with regard to Ireland, 36. Other demands made to the king, 37. Return of the commissioners, *ib.* Execution of Laud, 38. Publishes the king's letters taken at Naseby, 58. Refuses a treaty with the king, 66. Issues orders for securing him, if he came to London, *ib.* Reproaches the king with Glamorgan's transactions in Ireland, 68. Establishes the presbyterian discipline, 69. But refuses to admit the divine right of it, 70. Restrains the power of excommunication, *ib.* Is informed by the Scots of the king's arrival in their army, 73. Sends fresh proposals to the king, 76. Treats with the Scots for delivering up the king, 78. He is delivered to the commissioners sent for him, 80. Proposes a reduction of the army, 83. The army begins to mutiny against its authority, 85. Sends proposals for their going to Ireland, 86. Votes to disband all who refuse that service, 88. Discovers Cromwel's schemes, and prepares an accusation against him, 90. Its oppressive acts render it odious to the people, 91. A review of its civil administration, 92. Orders out the London militia to defend it against the army, 95. Enters into a negociation with the army, 96. Appoints Fairfax general in chief of all the forces, 100. Is obliged to vote according to the instructions of the army, *ib.* Is forced by the populace to reverse a vote for the change of the London militia, 101. Their speakers apply to the army for protection, *ib.* New speakers chosen, and defence prepared for, 102. The old speakers reinstated by the army, 103. Negociates again with the king, 111. Votes against any farther negociation with the king, 113. Declares the Scots enemies, 120. Endeavours to regain its liberty during the absence of the army, and sends to treat with the king, 121. The points debated between them, 122. Disavows any concurrence in the seizure of the king by the army, 130. Is surrounded by the army, 131. Proceeds to a conclusion of the treaty with the king, *ib.* The presbyterian members excluded, and confined by colonel Pride, *ib.* The remaining members reverse the former proceedings, 132. See *Commons.* Its proceedings after the battle of Worcester, 201. Erects a high court of justice to try offences against the commonwealth, 202. See *Commonwealth.* Frames the navigation act, 211. Grants letters of reprisal against the United Provinces, *ib.* Refuses to admit the apology of the Dutch for Trompe's conduct, and commences

commences war with the States, 213. See *Blake*, *Ayſcue*, &c. The army remonſtrates for a new one, 217. Is violently diſſolved by Cromwel, 219. Reflections on its proceedings, 220. A new one ſummoned by Cromwel, 227. Character of it, 228. Regulations in government and religion propoſed by, *ib.* Orders marriage to be ſolemnized by the civil magiſtrate, 229. Reſigns its authority to Cromwel, 231. One ſummoned by the protector, 238. The equitable plan of election, *ib.* Is reproved by the protector for diſputing his authority, 241. Is forced to recognize his authority, and is then diſſolved, *ib.* A new one choſen by the protector, 268. Votes a renunciation of the royal family, 269. A motion made by Jephſon for beſtowing the crown on Cromwel, *ib.* The ſame motion made in form by alderman Pack, *ib.* This motion agreed to, and a committee appointed to perſuade the protector's acceptance, 270. Confirms his protectoral authority, on his refuſal of the title of king, 275. Is again aſſembled in two houſes, as formerly, 277. Is diſſolved, 278. One called by Richard Cromwel, 294. Votes againſt the council of officers, 296. Is diſſolved by their influence, 297. The long one, reſtored by the council of officers, 298. Diſcovers a deſign formed for reſtoring the king, which is ſuppreſſed, 302. Caſhiers Lambert, and veſts the command of the army in commiſſion, 303. Is expelled by Lambert, *ib.* Is again reſtored, 313. Reduces the army to obedience, 314. Is deſired by Monk to ſend the regiments out of London, 316. Monk arrives, and is thanked, *ib.* His reply, *ib.* Its authority diſputed by the people, particularly by London, 317. Orders Monk to march into the city to ſeize the refractory citizens, 318. Is ordered by Monk to fix a time for diſſolution, and for calling a new one, 319. The ſecluded members take their ſeats, and after ſome neceſſary votes, iſſue writs for a new one, 220. The new one meets, and Sir Harbottle Grimſtone choſen ſpeaker, 327. See *Commons*. The houſe of lords re-aſſembles, 328. See *Lords*. Charles II. proclaimed, *ib.* A committee appointed, to invite the king over, *ib.* Act of indemnity paſſed, 353. Settlement of the revenue, 354. Its caution in diſbanding the army, 355. Is diſſolved, 358. The new one paſſes an act for the ſecurity of the king's perſon and government, 371. Reſigns all military authority to the king, 373. Corporation act paſſed, 374. Act of uniformity paſſed, *ib.* Grants the king four ſubſidies, being the laſt grant of that nature, 391. Militia regulated, *ib.* Repeals the triennial act, 395. Grants ſupplies for the Dutch war, 401. 408. Five mile act, 408. Regulates the rebuilding of London, 416. Votes a ſupply to the king, 417. An act of incapacity and baniſhment paſſed againſt Clarendon, 427. Prohibits the importation of Iriſh cattle, 447. Supplies granted, 456. Act againſt conventicles paſſed, *ib.* Coventry act, 469. Meets, after two years prorogation, 500. Speeches of the king and the chancellor Shafteſbury to, *ib.* 501. Teſt act paſſed, 505. Is prorogued on the diſcontent of the commons, 512. Its legality diſputed, after a twelvemonth's receſs, viii. 26. Exhorts the king to guard againſt the growing power of France, 27. Addreſſes the king to form an alliance with the States againſt France, 31. Is adjourned, *ib.* Takes the popiſh plot into conſideration, 78. A new teſt-act paſſed,

83. Is diſſolved, 88. Character of this long one, 89. A new one ſummoned, 93. Habeas corpus act paſſed, 107. Is prorogued, and afterwards diſſolved, to ſtop proceedings againſt Danby, 110. The king's ſpeech to the new one, 128. The perſecuting ſtatute, 35 Eliz. repealed, and diſſenters eaſed, 145. The king evades giving his aſſent to this bill, 148. Is diſſolved, and a new one ſummoned, 149. Meets at Oxford, 150. Is ſuddenly diſſolved, 154. One called by James II. 220. His ſpeech to, on the ſettlement of a revenue on him, *ib.* Arguments urged for and againſt the grant of a revenue during life, 221. The grant during life voted, 224. An act of attainder paſſed againſt the duke of Monmouth, 226. The convention, ſummoned by the prince of Orange, 308. Settles the crown on the prince and princeſs of Orange, 319.

Parliament of Scotland, recognizes the title of the maid of Norway to the crown, ii. 246. Refers the pretenſions of Baliol and Bruce to the award of Edward I. of England, 249. Is ſummoned by the queen dowager in an abbey near Haddington, and determines to ſend the young queen Mary to France, iv. 311. Summoned by the *Congregation of the Lord*, in which the catholic religion is ſuppreſſed, and the preſbyterian diſcipline eſtabliſhed, v. 38. The queen in France refuſes to ratify the proceedings of, 39. Is ſummoned by Mary, to attaint the baniſhed lords, 54. How this ſcheme failed, *ib.* The proteſtant religion eſtabliſhed, with the queen's ſanction, 110, *note.* Is ſummoned by the regent Murray, condemns Mary to priſon for the murder of her huſband, and ratifies the ſettlement of the crown on her ſon James VI. 125. Appoints commiſſioners to negociate a treaty with Elizabeth, 171. Prohibits the clergy from meddling with the affairs of government, 256. A law propoſed to it by James, for the external government of the church to be veſted in him and the biſhops, vi. 89. The bill dropped by the oppoſition of the clergy, 90. One held by Charles I. 300. Its proceedings toward ratifying the acts of the aſſembly, ſtopped by prorogation, 344. Aboliſhes the lords of articles, 426. The creation of peerages limited, 427. Triennial parliaments eſtabliſhed, *ib.* Its conſent made neceſſary in the appointment of officers of ſtate, 428. Its cool behaviour on being informed by the king of the Iriſh maſſacre, 404. Sends commiſſioners to treat with the Engliſh parliament, *ib.* Oppoſes the delivering up the king to the Engliſh parliament, vii. 80. One ſummoned by Charles II. after the defeat at Dunbar, 192. One called on the reſtoration, which annuls all laws paſſed ſince the year 1633, 365. The covenant annulled, 368. Proceedings of, 439. Act of indemnity, *ib.* Act againſt conventicles, 442. One ſummoned before Lauderdale as commiſſioner, viii. 50. Severe law againſt conventicles, 51. Enacts a contradictory teſt-act, 167. Its abject ſervility to James II. on his acceſſion, 237. Rejects the king's application for indulgence to catholics, 258. The convention ſummoned by the prince of Orange, offers the crown to him and the princeſs, 309.

Parma, ducheſs of, is left by Philip II. of Spain governeſs of the Low Countries, v. 192.

Parma, prince of, ſucceeds Don John of Auſtria, in the command of the Low Countries, v. 222. Reduces ſeveral provinces to obedience to Spain, 268. His ſucceſſes againſt the earl of Leiceſter, 275. Prepares to join the armada in the invaſion of England, 333. Refuſes to join the fleet on its ill ſucceſs, 344. Marches to aſſiſt the catholic league in France, 358.

Parry, William, is inſtigated by the jeſuits to take away the life of queen Elizabeth, v. 265. His deliberate proſecution of his purpoſe, 266. Is diſcovered and executed, 267.

Paſcal II. pope of Rome, his diſputes with king Henry I. about inveſtitures, i. 326. His inſolent anſwers to Henry, 327. 329. His ſhameful breach of treaty with the emperor Henry V. 331. Threatens Henry with excommunication, 332. Compromiſe between, 333.

Paſſive obedience, the antiquity of that doctrine in England, vi. 569. The principle of, endeavoured to be enforced by the houſe of lords, viii. 12. Arguments urged concerning, *ib.*

Paſturage, laws enacted by Henry VIII. to reſtrain the throwing lands into, iv. 277. The inducements to this practice, and evils reſulting from it, 327.

Patents for monopolies, debates in the houſe of commons concerning, in queen Elizabeth's reign, v. 528. See *Monopolies*.

Pavia, battle of, between the Imperialiſts and Francis I. of France, iv. 57.

Paul III. pope, hopes at his ſucceſſion to effect a reconciliation with Henry VIII. iv. 140. Excommunicates Henry, 141. 184. The rage expreſſed againſt Henry on his ſuppreſſing the religious houſes, 184. A council ſummoned at Mantua, the authority of which Henry declares againſt, 188. Appoints Beaton, primate of Scotland, a cardinal, 231.

—— IV. pope, his character, iv. 420. Is offended at queen Mary's aſſuming the title of queen of Ireland, *ib.* Inſiſts on full reſtitution of all church poſſeſſions, *ib.* His conduct compared with that of the emperor Charles V. 427. Cites archbiſhop Cranmer to ſtand trial for hereſy at Rome, 420. His haughty behaviour on the Engliſh ambaſſador's notification of the acceſſion of Elizabeth, v. 4.

Paulinus, archbiſhop of York, converts Edwin king of Northumberland to chriſtianity, i. 43. Converts Coifi the Saxon high prieſt, *ib.*

Peada, ſon of Penda, king of Mercia, receives chriſtianity into his kingdom, i. 47.

Pecquigni, treaty of peace there, between Edward IV. of England and Lewis XI. of France, iii. 255.

Peers, when firſt created by patent, iii. 58. A great council of, ſummoned by Charles I. at York, vi. 359. Houſe of, ſee *Lords*.

Pembroke, earl of, his ineffectual endeavours to ſave Chateau Gaillard from being taken by Philip of France, ii. 52.

———, earl of, is mareſchal of England, at the death of king John, ii. 145. Procures young Henry III. to be crowned at Glouceſter, *ib.* Is choſen protector of the kingdom, *ib.* Endeavours to conciliate the affections of the barons to the young king, 148. Takes the city of Lincoln from the French, 150. The barons conclude a peace with him,

him, 151. His prudent care to reſtore the form of government, 152. Dies, *ib.*

Pembroke. Aymer de Valence earl of, joins in the confederacy of Thomas earl of Lancaſter, againſt Piers Gavaſton, ii. 335. Takes Gavaſton priſoner in Scarborough caſtle, 336.

———, earl of, is taken priſoner with his whole army at ſea, by Henry king of Caſtile, ii. 482.

———, Jaſper Tudor earl of, defeated by Edward duke of York at Mortimer's croſs, iii. 210.

———, Sir William Herbert created earl of, iv. 350. Deſerts Northumberland, and declares for queen Mary, 371. Is confined to his houſe for engaging in the duke of Norfolk's deſigns, v. 162.

Penn, admiral, commands the protector's fleet ſent to the Weſt-Indies, vii. 254. Makes an attempt on St. Domingo, 255. Takes Jamaica, and is ſent to the Tower, *ib.*

Penda, king of Mercia, his character, i. 47. His enterpriſes, *ib.* Killed, *ib.*

Pennington, commander of ſome ſhips ſent in the ſervice of France, refuſes to ſail againſt Rochelle, and returns, vi. 208. Is ordered back to Dieppe, where his men deſert the ſervice, *ib.*

Penruddoc, and other royaliſts, excite an inſurrection againſt Cromwel at Saliſbury, vii. 243.

Penry, a Browniſt, his cruel proſecution for writing againſt the hierarchy, v. 467.

Penſylvania, when ſettled, viii. 328.

People, their ſituation under the feudal government in England, ii. 111.

Perigord, cardinal, endeavours an accommodation between prince Edward of England and John king of France, at Poictiers, ii. 455.

Perjury, the frequency of, under the old Anglo-Saxon law, remarked, and the cauſes traced, i. 222.

Perkin Warbec. See *Warbec.*

Perth, Knox, the reformer, arrives from Geneva, and preaches there, v. 26. Riot of reformers there, againſt the catholic worſhip, *ib.* The queen regent received there by accommodation with the *Congregation of the Lord*, 29. Is beſieged and taken by the *Congregation*, 30. A ſynod of preſbyterian miniſters there, routed by a mob of women, vii. 529.

Peſcara, marquis of, the imperial general, invades Provence, and beſieges Marſeilles, iv. 55.

Peter the Hermit, undertakes to reſcue the holy land from the Turks, and applies to pope Martin II. i. 294. Leads a vaſt multitude on this enterpriſe, 297.

—— of Pomfret, a hermit, his cruel treatment by king John, for a prophecy concerning him, ii. 72.

—— of Savoy, uncle to queen Eleanor, inveſted with the honour of Richmond, and the wardſhip of earl Warrenne, ii. 163.

——, king of Caſtile; ſee *Caſtile.*

—— des Roches; ſee *Wincheſter.*

Peter's Pence, occaſion of impoſing that tax, i. 49. The payment of, ſuſpended by Henry II. 406.

Peters, Hugh, chaplain to Oliver Cromwel, a frequent text of his, vii. 111, *note*. Is tried and executed, 358.

——, father, a Jeſuit, and confeſſor to king James II. is made a privy counſellor, viii. 252.

Peterborough, when firſt erected into a biſhopric, iv. 183. Dean of, his behaviour to Mary queen of Scots at her execution, v. 316.

Petition of right, this famous bill taken under conſideration by the houſe of commons, vi. 246. Is paſſed by the commons, 256. Paſſed by the lords, 253. The king's evaſive manner of paſſing it, *ib.* Receives the king's full aſſent, 256. The petition at large, 572.

Petitioners and *Abhorrers*, an account of the origin of thoſe party diſtinctions, viii. 126.

Peyto, a friar, inſolently reproaches Henry VIII. from his pulpit, iv. 134. Is in turn abuſed by Dr. Corren, *ib.* Is reproved by the council, *ib.*

Philip, king of France, aſſumes the government on his father Lewis VIIth's illneſs, i. 453. Henry II. of England mediates a peace between him and his family, 454. Engages in a cruſade, 458. Stimulates young Richard to revolt againſt his father, 459. His army, with that of Richard I. intended for the cruſade, rendezvous at Vezelay, ii. 7. Reiterates his promiſes of friendſhip with Richard, 8. Takes the road to Genoa, and embarks his army, *ib.* Is obliged to winter at Meſſina, *ib.* His character and that of Richard compared, *ib.* His diſputes with Richard at Meſſina, 10. Their differences accommodated, 11. Arrives in Paleſtine, and aſſiſts at the ſiege of Acre, 13. Eſpouſes the pretenſions of Conrade, marquis of Monſerrat, to the kingdom of Jeruſalem, in oppoſition to Guy de Luſignan, 15. Returns to Europe, *ib.* Is prevented from invading Normandy, but ſeduces prince John from his allegiance, 17. Makes the death of Conrade the pretence of his enmity to Richard, 19. His hoſtile meaſures, on hearing of the captivity of Richard, 24. Invades Normandy, *ib.* Beſieges Roüen, but is repulſed by the earl of Leiceſter, 25. His laconic letter to prince John, 30. Is routed, and his records taken by Richard, *ib.* Concludes a truce with Richard, 31. Concludes a peace at Louviers, which is ſoon broke, 32. Makes a truce with Richard for five years, 33. Takes Arthur duke of Britanny under his protection, 40. Concludes a peace with John, 42. The Norman barons appeal to him againſt John, 45. His diſputes with John, *ib.* Marries his daughter to Arthur duke of Britanny, *ib.* His ſucceſſes againſt John, 46. Is appealed to by the Britons on the murder of Arthur by John, 49. Summons John to appear before him, and, on his non-appearance, ſentences him to the forfeiture of all his royalties in France, *ib.* Takes various places from John, and, by his addreſs, raiſes the ſiege of Alençon, *ib.* 50. Beſieges and takes Chateau Gaillard, on the frontiers of Normandy, 51. Takes Falaiſe, and the governor Lupicaire inliſts with him againſt John, 53. Acquires the poſſeſſion of Normandy, 54. With the other provinces, *ib.* Accepts the offer of the kingdom of England made by pope Innocent III. 69. Prepares an armament to acquire poſſeſſion of it, *ib.* His rage on the treaty between John, and Pandolf the Pope's legate, 73. His fleet deſtroyed

deſtroyed by the earl of Saliſbury, 74. His reflections on the offer of the kingdom of England by the barons to his ſon Lewis, 95. Demands hoſtages of the barons for their fidelity, *ib.* Sends forces over with Lewis, *ib.* His conduct reſpecting this enterpriſe of his ſon, 131. Dies, and is ſucceeded by his ſon Lewis, 157.

Philip, king of France, cites Edward I. as duke of Guienne before him, to anſwer for ſome differences at ſea, ii. 262. Gains the province of Guienne, by artifice, from the Engliſh, *ib.* Defeats their attempts to recover it, 264. Forms an alliance with John Baliol, king of Scotland, 265. Edward forms alliances againſt him, 284. His ſucceſſes in Flanders, 296. Concludes a truce with England, and ſubmits his differences to pope Boniface, *ib.* Beſtows his ſiſter on Edward, and his daughter on prince Edward, 297.

——— the Fair, of France, his cruel treatment of the knights templars, ii. 362.

——— de Valois, how he became intitled to the crown of France, ii. 391. Receives homage for Guienne from Edward III. of England, 392. Prepares to oppoſe the hoſtile pretenſions of Edward to his crown, 398. His fleet deſtroyed by Edward, 403. Relieves Tournay, beſieged by Edward, 404. His reply to Edward's defiance, 405. Concludes a truce with Edward, by the mediation of Jane counteſs of Hainault, 407. Eſpouſes the pretenſions of Charles de Blois to the duchy of Britanny, 416. Confines the count de Mountfort in the Tower of the Louvre, 417. Concludes a truce with the counteſs and Edward, 421. His ſurpriſe and movements on Edward's invaſion of Normandy, 427. His precipitate behaviour in following Edward to Crecy, 433. His memorable defeat there, 434. The great number ſlain at the battle, 436. Concludes a truce with Edward, 443. His death and character, 449.

———, ſon of the Emperor Charles V, is propoſed by his father as a huſband to Mary queen of England, iv. 383. Subſtance of the marriage articles, 387. Reflections of the Engliſh on this match, *ib.* Caution and reſerve of the parliament with reſpect to his pretenſions, 396. Arrives in England, and is married, 398. Diſguſts the Engliſh by his haughtineſs and reſerve, *ib.* Is denied the ceremony of coronation, 401. His attempts to acquire popularity, 402. His motives for protecting the lady Elizabeth, *ib.* His artifice to elude the charge of promoting the cruelties exerciſed againſt the Engliſh reformers, 416. Leaves England, and retires to Flanders, 422. His father makes a formal reſignation of all his hereditary dominions to him, 425. Ungratefully neglects paying his father's penſion, 426. Endeavours to engage England in his quarrel with France, 429. Comes over to England to preſs the queen on that meaſure, 432. Raiſes an army under Phillibert duke of Savoy, 434. Battle of St. Quintin, *ib.* Takes the town, *ib.* Joins the army under the duke of Savoy, but declines engaging Guiſe, 444. Enters into negociations for peace, *ib.* Death of queen Mary, 445. Receives a kind embaſſy from Elizabeth, v. 3. Makes propoſals of marriage to her, *ib.* She refuſes his propoſal of adhering to the Spaniſh alliance againſt France, 17. Peace of Cateau Cambreſis with France, 18. Exerts his good offices at the court of Rome to prevent the excommunication

communication of Elizabeth, 19. His character delineated, 64. Vows to ſpend his life in the extirpation of hereſy, 65. His cruel perſecution of Conſtantine Ponce, his father's confeſſor, *ib.* Iſſues rigorous orders for the proſecution of heretics, 66. Commencement of his open enmity to Elizabeth, 67. Forms an alliance with the duke of Guiſe for the ſuppreſſing hereſy, 70. Concerts a maſſacre of the French Hugonots with Catharine de Medicis, and the cardinal of Lorraine, 93. Leaves the ducheſs of Parma governeſs of the Low Countries, 192. The Flemiſh Proteſtants revolt, *ib.* Determines to overthrow the Flemiſh privileges, 193. Remonſtrates to Elizabeth againſt her giving countenance to the Flemiſh exiles, 214. Revolt of Holland and Zealand, 215. The revolted Hollanders aſſociate under the prince of Orange, 216. Recals the duke of Alva at his own requeſt, *ib.* Elizabeth aims to accommodate matters, 219. Sends Don John of Auſtria, governor of the Low Countries, *ib.* The pacification of Ghent concluded, *ib.* Invades Ireland, 233. Remonſtrates againſt the depredations of Drake, 235. Founds a ſeminary at Doüay for the education of Engliſh Catholics, 236. His power and naval ſtrength, 272. Projects an invaſion of England, 330. Fits out the invincible armada, 333. His inſtructions to its commander the duke of Medina Sidonia, 340. His behaviour on the deſtruction of the armada, 345. Excites diſturbances in Scotland, 371. Makes peace with France, 388. Dies, 393. His character, vi. 6.

Philip III. of Spain, character of him and his miniſter the duke of Lerma, vi. 6. Concludes a peace with James I. 27. Acknowledges the independency of the United Provinces, and concludes a truce with them for twelve years, 44.

——— IV. of Spain, the honourable reception he gave prince Charles, vi. 133. His conduct on underſtanding Buckingham's ſcheme to prevent the marriage, 139.

———, archduke of Auſtria, and ſon of Maximilian, is educated in the Low Countries, iii. 334. His friendly interview with Henry VII. at Calais, 384. Marries Joan, daughter of Ferdinand king of Arragon, and Iſabella queen of Caſtile, 390. Forced by a ſtorm on the coaſt of England, pays Henry a viſit at Windſor, 391. Obliged by Henry to ſurrender the earl of Suffolk, whom he had protected, 393. Arrives in Spain, and dies, 394. His ſon Charles affianced to the princeſs Mary, Henry's daughter, *ib.*

Philippa, daughter of the count of Holland and Hainault, is affianced to prince Edward, ſon of Edward II. ii. 354. Raiſes an army to repreſs the Scots in Edward's abſence, and takes their king David priſoner, 439. 440. Goes over to Edward's camp at Calais, *ib.* Intercedes with Edward for the deputies of Calais, at its ſurrender, 443.

Philips, Sir Robert, his ſpeech in the third parliament of Charles I. vi. 242.

Phillibert, duke of Savoy, commands the Spaniſh army againſt France, iv. 434. Beſieges St. Quintin, *ib.* Defeats the conſtable Montmorency, and takes him priſoner, *ib.* Philip arrives at his camp, but declines any action with the duke of Guiſe, 444.

Philpot,

Philpot, a reformer, archdeacon of Wincheſter, inſtance of his zeal againſt Arianiſm, iv. 413. Is burnt himſelf for hereſy, *ib.*

Picts and Scots haraſs the Britons, i. 12, 13.

Piercy, turnamed Hotſpur, taken priſoner by the Scots at the battle of Otterburne, iii. 26. See *Northumberland*.

———, Thomas, created earl of Worceſter, iii. 33. Rebels againſt Henry IV. 69. Taken priſoner at the battle of Shrewſbury, and executed, 71.

———, of the houſe of Northumberland, engages with Cateſby in the famous gunpowder-plot, for blowing up king and parliament, vi. 31. Hires a vault under the parliament-houſe, and conveys thirty-ſix barrels of gunpowder into it, 33. Flies on the diſcovery of the ſcheme, 36. Is killed, *ib.*

Pilgrimage of Grace, an inſurrection raiſed againſt Henry VIII. in the north of England under that name, iv. 171.

Pilkington, ſheriff of London, proſecuted by the duke of York for ſcandalous expreſſions, viii. 178.

Pinkey, battle of, between the duke of Somerſet and the earl of Arran, iv. 303.

Piſa, a council ſummoned there, in oppoſition to pope Julius II. which removes to Milan, and after to Lyons, iii. 417. Interdicted by the pope, 418.

Piſtor, his ſpeech in the houſe of commons, on kneeling and making the ſign of the croſs, v. 174, 175.

Pius V. pope, excommunicates queen Elizabeth, v. 172.

Plague, a great one in the time of Edward III. ii. 448. Is brought into England by the earl of Warwic from Havre de Grace, v. 80. One at London, vi. 14. Another, 206. At Oxford, 211. On board the fleet, 212. Great one at London, vii. 408.

Plot, gunpowder, hiſtory of, vi. 31. Popiſh, a hiſtory of, viii. 63. 99. See *Oates*, *Coleman*, and *Bedloe*. Meal-tub, 124. Rye houſe, 186.

Poictiers, battle of, between Edward, ſon of Edward III. and John king of France, ii. 456. Is beſieged by the admiral Coligni, v. 187. Is defended by the young duke of Guiſe, *ib.*

Pole, Arthur, and his brothers, nephews of the cardinal, are convicted of a conſpiracy againſt queen Elizabeth, but pardoned, v. 63.

——, Edmund de la. See *Suffolk*.

——, Sir Geoffrey de la, enters into a conſpiracy with ſome Engliſh noblemen, and his brother the cardinal, iv. 187. Diſcovers the conſpiracy, and is pardoned for it, *ib.*

——, Michael de la, chancellor of England, and earl of Suffolk, ſome anecdotes of, iii. 15. Impeached by the commons, *ib.* Reflections on his caſe, 16. Deprived of his office, 17.

——, Reginald de la, his deſcent, iv. 185. Is made dean of Exeter, *ib.* Declines any concern in the divorce of Henry VIII. from queen Catharine, *ib.* Inveighs againſt the conduct of Henry in religious alterations, 186. Is invited to England by Henry, *ib.* Is created a cardinal, and ſent legate into Flanders, *ib.* Is ſuſpected of aſpiring to the crown, *ib.*

Enters into a conſpiracy with ſome Engliſh noblemen, who are diſcovered and executed, 187. His relations proſecuted by the king, 198. His mother attainted by parliament, *ib.* And executed, 214. Is propoſed as a huſband to queen Mary, 380. Why it did not take effect, 381. Is invited to England in quality of legate, *ib.* Is ſtopped in his journey by the emperor, and why, 384. His attainder reverſed, and his blood reſtored by parliament, 399. Arrives in England, and invites the parliament to reconcile themſelves to the ſee of Rome, *ib.* Gives the parliament and kingdom abſolution, 400. Debates with biſhop Gardiner on the expediency of puniſhing heretics, 405. Is made archbiſhop of Canterbury on the burning of Cranmer, 431. His politic behaviour, *ib.* Oppoſes the queen's deſign of engaging the kingdom in Philip's quarrel with France, 432. His death and character, 446.

Polerone, in the Eaſt Indies, taken by the Dutch from the Engliſh, is agreed to be reſtored by treaty, vii. 236. The Engliſh again expelled, 419. Is reſigned to the Dutch, 422.

Poll money, firſt levied by parliament, and the alarming conſequences of it, iii. 6. A proportional tax impoſed by parliament to aſſiſt Henry VIII. in his war with France, 424.

Poltrot aſſaſſinates the duke of Guiſe, at the ſiege of Orleans, v. 78.

Ponce, Conſtantine, confeſſor to the emperor Charles V. is cruelly treated by Philip of Spain for hereſy, v. 65.

Poor, an act paſſed, for raiſing charitable contributions for them, iv. 356. The firſt legal eſtabliſhment for the ſubſiſtence of, when made, v. 483.

Popedom, its ſituation at the time of the Norman invaſion, i. 185. See *Papacy* and *Reformation*.

Popular government, the firſt beginnings of, in England, ii. 272.

Population, obſervations on the propereſt means of promoting, iii. 403.

Porters of London petition the long parliament, vi. 475.

Porto Rico, an attempt againſt, by Francis Drake, v. 378.

Portſmouth, ducheſs of, miſtreſs to king Charles II. how introduced to him, vii. 465.

Portugal, the kingdom of, revolts from the crown of Spain, vii. 251. The princeſs Catharine of, married to Charles II. of England, 378.

Poſt-maſter, inſtance of that office at the time of queen Elizabeth, v. 484.

Poſt-houſe, at what ſum farmed, in the protectorate of Oliver Cromwel, vii. 340.

Poſt-office is eſtabliſhed by parliament, vii. 358.

Poultry, the eſtabliſhed prices of, at the beginning of the reign of Charles I. vi. 177.

Poynings, Sir Edward, ſent over to Ireland by Henry VII. to reduce the malcontents there, iii. 367. Paſſes the memorable ſtatute which bears his name, *ib.* Diſappoints Perkin Warbec in his deſigns upon that kingdom, 370. Made comptroller by Henry VIII. and choſen of his privy-council, 409.

Prague, battle of, between the duke of Bavaria and Frederic elector palatine, vi. 104.

Preaching, the abuſe of, reſtrained, and twelve homilies publiſhed to read

to the people, iv. 291. Farther reſtrictions of, to prevent the people bein diſtracted by oppoſite doctrines, 309.

Brejeant, a French admiral, kills Sir Edward Howard in an engagement in Conquet harbour, iii. 431. Invades the coaſt of Suſſex, and loſes an eye, *ib.*

Prelates, obnoxious ones, how treated by the court of Rome in the time of Richard II. iii. 56. Their unfitneſs for being intruſted with the great offices under the crown, in the papal times of England, 403. Cauſes which favoured their promotion to them, 404.

Prerogative, regal, the notions entertained of, in the time of Elizabeth, v. 440. Inquiry into the ancient prerogatives of the crown, 453. Apology for the arbitrary exertions of, by James I. vi. 49. The commons manifeſt an intention of limiting it, 51. A review of the various articles of, claimed until the time of Charles I. 160.

Preſbytery, is eſtabliſhed in Scotland, by parliament, and the catholic religion ſuppreſſed, v. 38. Cruel inſults ſhewn to queen Mary for her adherence to the catholic religion, 48. The cauſes of the moroſe ſeverity of the preſbyterian clergy traced, 55. The meaning of that term explained, vi. 333, *note*. Diſtinctions between preſbyterians and independents, vii. 19. Is eſtabliſhed in England, 69. Is ſuppreſſed on the reformation of Charles II. 362. And by the act of uniformity, 374. The preſbyterian clergy ejected, 385.

Preſs, liberty of the, its commencement, viii. 332.

Preſton, battle of, between Cromwel and the Scots under Hamilton and Langdale, vii. 127.

Pride, colonel, violently excludes and confines the preſbyterian members of the long parliament, vii. 131. Procures a petition to be ſigned by the officers, againſt the office of king, on the offer of that title to Cromwel, 274.

Prieſts and Jeſuits, a ſevere law againſt them, v. 259.

Primauget, a French admiral, engages Sir Thomas Knevet off the coaſt of Britanny, and is blown up with him, iii. 423.

Prime miniſter, reflections on the nature of this office hitherto unknown in Europe, ii. 343.

Primogeniture, the advantages of adhering to, in the ſucceſſion of princes, ii. 39. Not underſtood in the earlier ages of the Engliſh hiſtory, *ib.*

Printing, the art of, by whom firſt introduced into England, iii. 268, *note*.

———, the invention of, one of the cauſes of the quick progreſs of the reformation, iv. 37. Reſtrictions laid on the preſs by Elizabeth and James I. vi. 165.

Proclamations, royal, declared by parliament to have the force of laws, iv. 196. Reflections on this ſtatute, *ib.* Offences againſt them, by whom to be judged, 237. This law repealed, 307. Thoſe of queen Elizabeth, enforced more rigorouſly than laws, by the ſtar-chamber, v. 463. King James's plea for the utility and neceſſity of iſſuing them, vi. 52. Differ from laws, *ib.*

Prophecying, among the puritans, explained, vi. 14. King James's ſentiments concerning, *ib.*

Protectorate, the ſupreme government altered to this form, and Oliver Cromwel choſen, vii. 232. The out-lines of this form of government explained, *ib.* Peace made with the Dutch, 236. The nation divided into twelve military juriſdictions, under ſo many major-generals, 244. See *Cromwel, Oliver* and *Richard.*

Proteſtants, how the German reformers acquired that name, iv. 99. See *Reformation.*

Proviſions, reflections on legal reſtrictions laid on the prices of, ii. 365. The prices of, in the reign of Edward II. *ib.*

Proviſors, the ſtatute of, when firſt enacted, ii. 492. Enacted a-new, iii. 56.

Prynne, the principles advanced in his *Hiſtrio maſtyx*, vi. 297. His ſevere ſentence for it in the ſtar-chamber, 299. A repetition of his cruel uſage for another offence, 307. His ſentences reverſed by the commons, 377.

Puffendorf, the Swediſh agent at Paris, informs de Wit of the ſchemes of the Engliſh miniſtry, vii. 463.

Puns recommended to orators by Ariſtotle, vi. 190.

Puritans, an account of their obſtinate ſcruples at the infancy of the reformation, v. 150. Are depreſſed by queen Elizabeth, but countenanced by her miniſters, 155. 223. The court of eccleſiaſtical commiſſion inſtituted for the ſuppreſſion of, 262. A ſevere law paſſed againſt recuſants, 366. Petition king James for relief againſt the ſeverities exerciſed againſt them, vi. 11. Conference at Hampton-court, 10. 13. Their pretenſions, 163. Their influence in promoting the diſſatisfaction of the firſt parliament of Charles I. with him and Buckingham, 203.— The ſpecies of, pointed out, 274. Tranſport themſelves to America, until ſtopped by the king, 310. Under countenance of the parliament, begin to attack the profeſſed religion, 385. See *Nonconformiſts.*

Purveyance, the hardſhips of, i. 342. Frequently endeavoured to be aboliſhed by parliament in the time of Edward III. ii. 489. The nature of that prerogative of the crown explained, v. 346. Parliamentary attempts to regulate it, checked by queen Elizabeth, 347. Was made uſe of by her to victual her navy, 461. Lord Bacon's ſpeech againſt, v. 519. The commons attempt to free the nation from the burden of, vi. 24: An ineffectual treaty for the relinquiſhment of, 54.

Puzas, Hugh de, biſhop of Durham. See *Durham.*

Pym, the ſubject of his ſpeech at the opening of the fourth parliament of Charles I. vi. 347. His ſpeech againſt the earl of Strafford in the long parliament, 367. His conduct on Strafford's trial, 407. Is appointed chairman of the committee of the lower houſe, ſitting during the receſs, 423. Is impeached by the king, 467. His death, and the regard paid to him by the parliament, vii. 6.

Pyrennees, treaty of, between France and Spain, vii. 306.

Q

QUAKERS, the origin of that ſect, vii. 332. Whence they derived their name, 334. Their riotous zeal occaſions their perſecution, *ib.* Their ſingularities, 335. Their addreſs to James II. on his acceſſion, viii. 216. *note.*

Queen dowager of France, takes refuge in the court of Charles I. vi. 390. Is inſulted on account of her religion, *ib.* Is requeſted to depart by the commons, 391.

Queens of England; ſee each under their reſpective names.

Quo warranto, a writ of, iſſued againſt the city of London, viii. 178. The pleadings in behalf of the city, 179. Conditions on which the charter was reſtored, 181.

R

RAINS, extraordinary, in the time of Richard III. which defeat the purpoſes of the duke of Buckingham againſt him, iii. 289.

Rainſborow, admiral, is put aſhore by his fleet, which declares for the king, vii. 119.

Raleigh, Walter, goes over to France a volunteer in the ſervice of the Hugonots, v. 188. His firſt expedition to Guiana, 377. Publiſhes a lying account of that country, *ib.* Goes under lord Effingham in the expedition againſt Cadiz, 379. Attends Eſſex in another expedition, and takes Fayal, 383. Falls ſick while Eſſex is in diſgrace, on the apprehenſion of his coming into favour again, 411. His letter to Cecil, on the queen's diſpleaſure, 526. Is diſmiſſed from his employment, vi. 5. Enters into a conſpiracy againſt James, 8. Is ſentenced to death, but reprieved, 9. Is groſsly abuſed on trial by Sir Edward Coke, 10. Writes his hiſtory of the world, during his long confinement in the Tower, 93. Spreads reports of a gold mine in Guiana, *ib.* Is releaſed, and obtains permiſſion for his expedition there, 94. His ſon killed by the Spaniards on landing, 96. Is diſappointed in the mine, and plunders St. Thomas, *ib.* Is carried back priſoner, by his men, 97. Is executed, 99. A character of his hiſtory of the world, 195. His conduct at Guiana inquired into, 554.

Ralph de Guader, earl of Norfolk, reaſon of his conſpiring againſt William the Conqueror, i. 263. Peace concluded between them, 267.

Randolf, the Engliſh ambaſſador in Scotland, his character of the Scots reformers, v. 54. Is ſent by Elizabeth to interpoſe in favour of the earl of Morton, 232. Forms a party in oppoſition to the earl of Lenox, *ib.*

Ravaillac aſſaſſinates Henry IV. of France, vi. 56.

Ravenna, battle of, between the French under Gaſton de Foix, and the Spaniſh and papal armies, iii. 423.

Read, an alderman of London, enrolled by Henry VIII. as a foot ſoldier, for refuſing a benevolence to him, iv. 244.

Reading,

Reading, a council ſummoned there to oppoſe the tyranny of Longchamp, biſhop of Ely, ii. 17. Is beſieged and taken by the earl of Eſſex, vi. 511. A garriſon eſtabliſhed in, by the king, 533.

Real preſence, why the clergy were ſo much attached to the doctrine of, in the infancy of the reformation, iv. 322. The point of, debated in convocation, 385. The debate adjourned to Oxford, *ib.* Inſtance of queen Elizabeth's attachment to that doctrine, v. 153, *note*.

Recognition, act of, paſſed in the moſt ample terms, by the parliament in favour of James I. v. 553.

Records, judicial, how preſerved among the Saxons, i. 214.

Recuſants, a ſevere law enacted againſt them, v. 366.

Redwald, king of the Eaſt-Angles, protects young Edwin, againſt Adelfrid, king of Northumberland, i. 41. Defeats and kills Adelfrid, 42. Conſpired againſt, and killed, 43.

Reformation, the firſt commencement of, in Germany, by Martin Luther, iv. 35. His doctrines ſpread among the Lollards in England, 36. Henry VIII. writes againſt Luther, and receives the title of *Defender of the Faith* from the pope, *ib.* Luther anſwers Henry cloſely, *ib.* To what cauſes the quick progreſs of, may be aſcribed, 37. The pope declared to be Antichriſt, and ſet at defiance by the reformers, 38. How the reformers favoured the civil power in their tenets, *ib.* The firſt ſteps toward, in England, 95. Progreſs of, 107. How far forwarded by the appeal to private judgment, 126. Tindal makes a tranſlation of the ſcriptures, 130. A tranſlation prepared by order of convocation, 154. All authority of the biſhop of Rome renounced, 164. Articles of faith prepared by the convocation, 166. How far proteſtant principles were favoured in theſe articles, ſtated, 167. Suppreſſion of religious houſes, 150. 178. The law of ſix articles paſſed, 194. The Bible granted to every family, 200. Hoſpitals, colleges, and other foundations, diſſolved, and their revenues ſeized by the king, 221. The chapter-lands of Canterbury, York, and London, extorted from thoſe ſees, 222. The Litany, and part of the public ſervice, allowed to be celebrated in Engliſh, 254. The acceſſion of Edward VI. favourable to, 287. The twelve homilies publiſhed, to be read to the people, 291. Laws paſſed favourable to, 307. The cup reſtored to the laity, and private maſſes aboliſhed, *ib.* Penalties on denying the king's ſupremacy, *ib.* A new communion-ſervice framed, 309. Liturgy framed by a committee of biſhops and divines, 320. Gardiner, and other biſhops, deprived of their biſhoprics, 345. The general antipathy, at this time, to popery, 347. The liturgy reviſed, 348. Articles of religion framed, *ib.* The liturgy authoriſed by parliament, 354. The catholic religion reſtored by queen Mary, 376. All Edward's ſtatutes relating to religion repealed, 379. The reformers perſecuted, 411. See *Hereſy*. Cecil's arguments to induce queen Elizabeth to reſtore it, v. 5. The queen's prudent caution in performing it, 7. The newly erected monaſteries ſuppreſſed, 10. The queen declared governeſs of the church, *ib.* All Edward's ſtatutes concerning religion confirmed, 11. A ſolemn diſputation, 12. The maſs aboliſhed, *ib.* The Engliſh liturgy reſtored, 14. The biſhops degraded for non-compliance, *ib.* Progreſs of, in Scotland, 22. Riſe of

the aſſociation called the *Congregation of the Lord*, *ib.* Riot of proteſtants at Edinburgh, on the feſtival of St. Gyles, 24. Riots of Knox's congregation at Perth, 27. See *Congregation of the Lord.* The catholic religion ſuppreſſed in Scotland, and the preſbyterian diſcipline eſtabliſhed, 38. Struggles in favour of, in France, 40. Cruel inſolence of the Scots reformers, to their queen Mary, 48. Civil wars of France, 68. See *Conde*; *Medicis*, Catharine de; *Hugonots*, &c. Is eſtabliſhed in Scotland by parliament, with the queen's ſanction, 110. A character of the plan of, eſtabliſhed in England, 149. Reflections on the conduct of reformers, 189. Cruel ſeverity of the emperor Charles V. toward the Flemiſh proteſtants, 191. The Flemiſh proteſtants revolt, 192. Maſſacre of the Hugonots at Paris, 206. The catholic league formed in France againſt the Hugonots, 212. A review of Elizabeth's conduct in religious matters, 222. Severe laws paſſed againſt popery, 235. Popery finally ſuppreſſed by the ſtrict law againſt Jeſuits and popiſh prieſts, 259.

Regicides, trial and execution of, vii. 356. 380.

Reginald, ſub-prior of Chriſt's-church, Canterbury, his clandeſtine election to that ſee on the death of Hubert, ii. 57. Is ſent privately to Rome for confirmation, *ib.* His imprudent conduct, *ib.*

Rehearſal, a character of this ſatirical play, vii. 333.

Religious eſtabliſhments, the foundation of, iv. 31.

——— *houſes*, the number of, ſuppreſſed by Henry VIII. iv. 182. The amount of their revenues, *ib.* See *Monaſteries.*

Reliques, the artifices of, expoſed on the diſſolution of monaſteries, iv. 180.

Remonſtrance, an account of that framed and paſſed by the commons in the long parliament, vi. 449. Reaſoning of the people on both ſides with regard to it, 451. Is anſwered by the king, 457.

Renaud, a Frenchman, takes the earl of Suffolk priſoner, and is knighted by him, iii. 149.

Repreſentatives to parliament, the firſt ſteps towards chuſing them for counties, ii. 184. See *Commons.*

Requeſens, commendator of Caſtile, ſucceeds the duke of Alva in the command of the Low Countries, v. 217. His character, *ib.* Undertakes the ſiege of Leyden, *ib.* Dies, and his troops mutiny, which ruin the Spaniſh affairs in the Low Countries, 219.

Retainers, the term explained, iii. 399. Frequent laws paſſed againſt, by Henry VII. *ib.* Story told of Henry relating to, *ib.* The practice of, how deſtroyed, *ib.* 400.

Revenue of the Anglo-Norman kings of England, in what it conſiſted, ii. 125. Crown-lands, *ib.* Tailliages, 126. Scutage, 127. Danegelt and moneyage, *ib.* Eſcheats, 128. Wardſhips, 129. Fines, amerciaments, and oblates, 130. State of, ordinary and extraordinary, at the time of Henry V. iii. 120. Amount of, in queen Mary's time, iv. 433. State of, in the reign of James I. vi. 171. State of, in the protectorate of Richard Cromwel, vii. 339. State of, between the reſtoration and revolution, viii. 324.

Revenues, eccleſiaſtical, the alienation of, prohibited, v. 12.

Revolution in 1688, compared with the depoſition of Richard II. iii. 46.

Reynolds excites an inſurrection in Northamptonſhire, to deſtroy incloſures, vi. 44.

Ribaumont, Euſtace de, his encounter with Henry III. at Calais, ii. 444. Yields himſelf priſoner, and is generouſly treated, and ſet at liberty by him, 445.

Rhee, iſle of, attacked by the duke of Buckingham, vi. 236.

Rheims, Charles VII. attended by Joan D'Arc, marches in there, and is crowned, iii. 151.

Rhodes, the knights of, chuſe Henry VII. of England, protector of their order, iii. 385.

Richard, ſecond ſon of Henry II. inveſted by his father with the duchy of Guienne, and county of Poictou, i. 434. Inſtigated by his mother Eleanor to revolt againſt his father, 436. Is reconciled to his father, 447. Refuſes homage to his elder brother for his duchy, 454. The difference compromiſed by their father, *ib.* Becomes intitled to the ſucceſſion by his brother Henry's death, 455. Refuſes his father's aſſignment of Guienne to his brother John, *ib.* Reſigns it to his mother Eleanor, *ib.* Is encouraged to rebel again, by Philip of France, 458. Excommunicated by Albano, the pope's legate, 460. Peace concluded with his father, and he is contracted to Alice, ſiſter of Philip of France, 462. His remorſe on ſeeing his father's body, 463. His acceſſion, ii. 1.

——— I. diſcountenances his former evil adviſers, and careſſes his father's miniſters, ii. 2. Releaſes his mother, and makes her regent until his arrival in England, *ib.* Prepares for a cruſade to the Holy Land, 3. Jews prohibited by an edict from appearing at his coronation, *ib.* A maſſacre of, on that occaſion, *ib.* His expedient to raiſe money for the cruſade, 5. Sells the vaſſalage of Scotland, *ib.* His reply to Fulk, curate of Neuilly, 6. In whoſe hands he placed the adminiſtration, during his abſence on the cruſade, *ib.* Meets Philip of France, with his army, at Vezelay, 7. Renews his engagements of friendſhip with Philip, 8. Embarks his army at Marſeilles, *ib.* Is obliged to winter at Meſſina, *ib.* His character, and that of Philip compared, 9. The occaſion of his attacking the Sicilians, and taking Meſſina, 10. His diſputes with Philip, *ib.* Sets aſide his contract with Alice, and propoſes to marry Berengaria, daughter of Sanchez, king of Navarre, 12. Is attended on his cruſade by his bride, and his ſiſter Joan, queen dowager of Sicily, *ib.* Some of his veſſels wrecked and pillaged on the coaſt of Cyprus, *ib.* Conquers and impriſons Iſaac, prince of Cyprus, 13. Eſpouſes Berengaria there, *ib.* Arrives in Paleſtine, and aſſiſts at the ſiege of Acre, *ib.* Engages to ſupport the pretenſions of Guy de Luſignan, to the kingdom of Jeruſalem, in oppoſition to Conrade, marquis of Montſerrat, 14. Troubles in England during his abſence, 15. Confers the kingdom of Cyprus on Luſignan, on condition of his quitting his pretenſions to Jeruſalem, 19. Defeats Saladin, 20. Is obliged to abandon the intention of beſieging Jeruſalem, *ib.* Concludes a truce with Saladin, for three years, three months, three weeks, three days, and three hours, 21. His cruel treatment of his priſoners, 22. Is arreſted on his return, by Leopald, archduke of Auſtria, 23. Is delivered up to the emperor Henry VI. who im-

priſons him in irons, *ib.* Is carried to, and accuſed before the diet at Worms, 26. His ſpirited reply, *ib.* Ranſoms himſelf, 28. His ranſom, how levied, according to the feudal ſyſtem, *ib.* Obtains his liberty, and eſcapes a ſecond arreſt by the emperor, 29. Is again crowned at Wincheſter, *ib.* Goes over to Normandy, to revenge himſelf on Philip's perfidy, 29. Defeats Philip at Fretteval, 30. Concludes a truce with him, 31. His brother John ſubmits to him, *ib.* Makes peace with him at Louviers, which is quickly broken, 32. Takes the biſhop of Beauvais priſoner, and ſends his coat of mail to the pope, *ib.* Concludes a truce with Philip for five years, 33. Is wounded in beſieging Vidomar, count of Limoges, *ib.* The gallant reply of Gourdon the archer, who ſhot him, 34. His ſenſibility of the retort, *ib.* Dies, *ib.* His character, *ib.* Reflections on his reign, 35. Miſcellaneous affairs, 36.

Richard II. his acceſſion, iii. 1. State of parties at that juncture, 2. Form of government ſettled by parliament during his minority, 3. Council appointed, *ib.* The adminiſtration, how conducted, 4. His embarraſſments at his acceſſion, 5. War with France, *ib.* Popular inſurrections, 6. Has a conference with Watt Tyler, 10. His prudent behaviour at the death of Tyler, *ib.* Reflections on this affair, 11. Heads the army againſt the Scots, 12. Burns Edinburgh, Perth, and Dundee, *ib.* Returns to England prematurely, *ib.* His attachment to Robert de Vere, earl of Oxford, 14. Awed by his parliament, 15. Deprived of his regal power by a council of fourteen, appointed by his uncle Glouceſter, 17. Fails in the endeavour to influence the election of the houſe of commons, 18. Conſults the judges, on the validity of his commiſſion to the council of fourteen, *ib.* Their opinion, *ib.* Violent proceedings againſt his miniſtry by the duke of Glouceſter, 20. His and his queen, Anne, their ineffectual concern at the execution of Sir Simon Burley, 23. Exerts himſelf, and removes archbiſhop Fitz-Alan from his office of chancellor, 24. Removes Glouceſter and Warwic from the council, *ib.* Truce with France, and marriage of Richard to Iſabella of France, 26. Seizes the charter of London, and the character of his adminiſtration, *ib.* Declares Mortimer ſucceſſor, 28. Hurries Glouceſter over to Calais, and awes his faction, 29. Proceedings againſt his party, 31. Procures Glouceſter to be murdered at Calais, 32. Creation of peers, 33. Removes the parliament to Shrewſbury, *ib.* Their grants to him, *ib.* Prevents the duel between the dukes of Hereford and Norfolk, and baniſhes them, 36. Oppoſes the ſucceſſion of Hereford to the dukedom of Lancaſter, 37. Embarks for Ireland, 38. Leaves the duke of York guardian of the realm, 39. Returns to oppoſe the invaſion of the duke of Lancaſter, *ib.* Seized by the earl of Northumberland, and confined in Flint-caſtle, 40. Heads of accuſation preferred againſt him in parliament, 41. Compariſon between this period of hiſtory, and the revolution in 1688, 46. Depoſed by parliament, *ib.* Murdered in Pomfret-caſtle, 49. His character, *ib.* Compariſon between, and Edward III. 50. Miſcellaneous tranſactions during this reign, 52. Compariſon between his ſituation, and that of Charles VI. of France, 92.

Richard

Richard III. the firſt acts of his adminiſtration, iii. 282. Reflections on his ſeizure of the crown, 283. Appoints the duke of Buckingham conſtable, *ib.* Procures his execution, for rebelling againſt him, 289. Obtains a parliamentary ſanction of his ſovereignty, 290. Suppoſed to poiſon his wife Anne, to make room for his marriage with the princeſs Elizabeth, 291. Marches to oppoſe the invaſion of the earl of Richmond, 294. His ſuſpicions of his own party, *ib.* Battle of Boſworth, 295. Killed, *ib.* His character, 296.

Richemont, Arthur count de, taken priſoner at the battle of Azincour, iii. 102. Releaſed on his parole, 127. Evades his parole on the death of Henry V. *ib.* Obtains the duke of Burgundy's ſiſter by the regent's intereſt, 128. Engaged in the Engliſh intereſt, *ib.* Attends the congreſs at Arras, 161.

Richlieu, cardinal, prime miniſter of France, his character, vi. 232. Rivals the duke of Buckingham in his addreſſes to the queen of France, 234. Throws a mole acroſs the harbour of Rochelle, to complete the blockade, 263. Supplies the covenanters in Scotland with money, 337. The concluſion of his adminiſtration, and death, vii. 247.

Richmond, Henry earl of, carried into Britain by the earl of Pembroke, on the eſtabliſhment of the York family in Edward IV. iii. 251. His pedigree, 285. Meaſures taken for his ſafe cuſtody by Edward, 286. Edward diſappointed in a ſcheme for getting him into his power, 287. Overtures for his marriage with the prineeſs Elizabeth, 291. Makes unſucceſsful attempts for a deſcent on England, 292. His party exhort him to another ſpeedy attempt, *ib.* Lands at Milford-haven, 293. Battle of Boſworth, 295. Richard III. killed, *ib.* See *Henry* VII.

———, duke of, natural ſon of Henry VIII. made lord-lieutenant of Ireland, iv. 122. Dies, 163, *note.*

Ridley, biſhop of London, pleads with Edward VI. in behalf of the princeſs Mary, iv. 347. Is impriſoned on the acceſſion of queen Mary, 376. Is ſent under a ſtrong guard, to Oxford, to debate on tranſubſtantiation, 385. Is burnt for hereſy, together with biſhop Latimer, 414.

Right. See *Petition of Right.*

Rinuccini, is, by the pope, ſent nuncio to the Iriſh catholics, vii. 161. Excites the Iriſh to break the pacification concluded with Ormond, 162. Is driven out of Ireland, 163.

Riots, a ſevere ſtatute paſſed againſt, iv. 340.

Rippon, treaty of, between Charles I. and the Scots covenanters, vi. 358. Is adjourned to London, 361.

Rivers, earl of, uncle to Edward V. entruſted with the care of his perſon, iii. 268. His character, *ib.* The firſt who introduced the art of printing into England, *ib. note.* Arreſted by the duke of Glouceſter, while conducting the young king to London, 270. Murdered in Pomfret-caſtle, 272.

Rizzio, David, ſome account of his introduction to the court of Mary, queen of Scotland, v. 95. His promotion and character, *ib.* Excites the jealouſy of Darnley, the queen's huſband, 96. Incurs the hatred of the

the proteſtants, *ib.* A conſpiracy formed againſt him by the chancellor Morton, 97. Is aſſaſſinated in the queen's preſence, 98.

Robbery, inſtance of the general practice of, at the time of Henry III. ii. 227.

Robert III. king of Scotland, his character, iii. 75. His ſon taken priſoner by Henry IV. of England, *ib.* Dies of grief, *ib.*

———, eldeſt ſon of William the Conqueror, his character, i. 272, 286. Revolts againſt his father, 273. Extraordinary rencounter between him and his father, 274. Reconciled to him, 275. Returns to England, and repulſes the Scots, *ib.* Succeeds to the duchy of Normandy, 286. Mortgages his dominions to his brother, and enters the cruſade, 299. His reputation in the cruſade, 312. How he loſt the kingdom of England, *ib.* Returns, and invades England, 319. Enters into an accommodation with his brother Henry I. 321. Diſtreſſed by his remiſſneſs, 322.

Rochelle, Pennington ordered to aſſiſt in the reduction of, deſerts, and ſails back to England, vi. 208. A ſquadron ſent by the Dutch againſt, 209. Buckingham brings a fleet and forces to aſſiſt the town, and is ignorantly refuſed admittance, 235. The blockade effected by throwing a mole acroſs the harbour, 263. Is forced to ſurrender at diſcretion, 264.

Rochford, lord, brother to queen Anne Boleyn, is accuſed by his wife of intimacy with his ſiſter, iv. 155. Is confined by the king's order, 157. Is tried, together with the queen, 159. Is condemned, 160.

———, viſcounteſs of, calumniates queen Anne Boleyn to Henry VIII. iv. 155. Conducts the ſecret amours of queen Catherine Howard, 220. Is beheaded, together with the queen, 221.

———, the caſtle of, taken from the barons by king John, and the common men of the garriſon hanged, ii. 93.

Rocheſter, earl of, a character of his poems, viii. 336.

Rockingham, a ſynod ſummoned there by William Rufus, to depoſe Anſelm, archbiſhop of Canterbury, i. 303.

Rocroy, defeat of the Spaniards there, by the prince of Condé, vii. 251.

Rodolphi, a Florentine merchant in London, is employed by the pope to negociate with the Catholics in England, v. 195. Is engaged by the Spaniſh ambaſſador to diſturb the government, in favour of Mary, queen of Scots, 196. The duke of Norfolk enters into his ſcheme, 197. Goes to Rome to mature his deſign, *ib.*

Roger, earl of Hereford, cauſe of his conſpiring againſt William the Conqueror, i. 263. His eſtate forfeited, and himſelf confined for life, 266.

———, archbiſhop of York, crowns prince Henry, when aſſociated with his father Henry II. i. 412. Suſpended at Becket's inſtigation, 413. Complains to the king, and the conſequences of this complaint, 415. Circumſtances of a quarrel between him and Richard, archbiſhop of Canterbury, 469.

Rogers, prebendary of St. Paul's, burnt for hereſy, iv. 412.

Rollo the Dane, his hiſtory, i. 136. Makes inroads into France, 137. Settles in Neuſtria, and marries the daughter of Charles the Simple, 138. His prudent government, 139. See *Normandy*.

Romans, their firſt arrival in Britain, i. 6. Subdue it all except Caledonia, 10. Abandon it, 12. Refuſe aſſiſtance to the Britons, 13.

Rome, reflections on the policy of the court of, i. 330. The venal principles of the court of, at the early period of Henry III. his reign, ii. 168. Church of, when at the ſummit of its power, 229. A character of the decretals of pope Gregory IX. *ib.* Remarks on the new orders inſtituted by, *ib.* Our literary obligations to the ancient clergy of, iii. 297. The bad principles on which the church of, is founded, iv. 31. Its encroachments on civil authority, *ib.* Favourable however to the reſtoration of the arts, 33. Conſequence of the ſale of indulgences by pope Leo X. 35. See *Luther*, and *Reformation*. Its authority renounced by the Engliſh convocation and parliament, 119. Reflections on this event, 121. See *Reformation*. City of, taken and ſacked by the Imperial troops, iv. 69.

Rood of Grace, a miraculous crucifix, the artifice of, expoſed at Paul's croſs, by Kilſey, biſhop of Rocheſter, iv. 180.

Roper, Sir Anthony, is fined by the ſtar-chamber, for converting arable land to paſture, vi. 303.

Roſe, red and white, party diſtinctions of the houſes of Lancaſter and York, iii. 217. Remarks on the confuſed hiſtory of the wars between, 234.

Roſewel, a preſbyterian preacher, his proſecution for treaſonable words, viii. 201.

Roſni, marquis of, miniſter to Henry IV. of France, comes over to Dover, to confer with queen Elizabeth, v. 433. Diſcovers Elizabeth to have entertained the ſame views with Henry, of eſtabliſhing a new ſyſtem of policy in Europe, 434. Is ſent ambaſſador from Henry IV. of France to king James, on his acceſſion, vi. 6. Propoſes to James a league againſt the houſe of Auſtria, 7. Concludes a treaty with James for the ſupport of the United Provinces, *ib.*

Roüen, beſieged and taken by Philip of France, ii. 53. The king of Navarre mortally wounded at the ſiege of, v. 71. Is taken by Montmorency, and the garriſon put to the ſword, *ib.*

Roundheads, the appellation of, when, and to whom given, vi. 464.

Roundway-down, battle of, between lord Wilmot and Sir William Waller, vi. 519.

Routiers. See *Brabançons*.

Roxborough, James II. of Scotland killed at the ſiege of, iii. 220.

Royal Society, the firſt inſtitution of, viii. 332.

Rufus. See *William Rufus*.

Rump-parliament, the reſtoration of the long one ſo termed. See *Parliament*.

Runnemede, the great charter of Engliſh liberties ſigned there by king John, ii. 84. The principal heads of this charter, 85. Remarks upon it, 88. See *Charter*.

Rupert, prince, ſon of the elector palatine, offers his ſervice to Charles I. and commands a body of horſe for him, vi. 505. Defeats a party of Eſſex's army at Worceſter, *ib.* Defeats the left wing of Eſſex's army at Edge-hill, 507. Surpriſes Eſſex, and carries off booty and priſoners, 520. Is ſent weſtward to join the Corniſh troops, 322. Takes Briſtol,

tol, 523. Obliges the parliamentary forces to retire from Newark, vii. 9. Marches to the relief of York, 11. Engages raſhly in the battle of Marſton-moor, where he is defeated, *ib.* Urges the battle of Naſeby, 56. Retires to Briſtol, 60. Capitulates; is diſmiſſed by the king, and leaves England, 61. Commands the ſquadron which deſerted to Charles II. and is haraſſed by admiral Blake, 204. Takes refuge in France, 205. Commands under the duke of York againſt the Dutch, 402. Joins Albemarle during his engagement with Tromp and De Ruyter, 412. Obtains the command of the Engliſh fleet, 506. Engages the Dutch on their own coaſt, *ib.* Another action, *ib.* Another at the mouth of the Texel, 508. Is appointed one of the privy-council, viii. 102. His death, 204. Was the inventor of etching, 326.

Ruſſell, lord, ſuppreſſes an inſurrection in Devonſhire, excited to oppoſe the reformation, iv. 330. Is created earl of Bedford, 339. See *Bedford*.

——, lord, privately favours the French intrigues, but refuſes to accept any preſent from that court, viii. 43, *note*, Is made one of the privy-council to Charles II. 102. Reſigns, 123. His character, *ib.* Enters into the duke of Monmouth's conſpiracy, 182. Is ſent to the Tower, 188. Tried, 189. Is condemned, 193. Is executed, 195.

Ruthven, lord, aſſiſts with others in aſſaſſinating David Rizzio, v. 97.

———, governor of Plymouth for the parliament, is defeated by the royaliſts on Bradoc Down, vi. 518.

Rutland, earl of, created duke of Albemarle by Richard II. iii. 33. Degraded, 48. Conſpires againſt Henry IV. and betrays his aſſociates, 63. Summary view of his treacherous behaviour, 64. Killed at the battle of Azincour, being then duke of York, 102.

Ruyter. See *De Ruyter*.

Rye houſe-plot, hiſtory of, viii. 186.

S

SA, Don Pantaleon, brother to the Portugueſe ambaſſador, hanged by Cromwel for aſſaſſination, vii. 237.

Sadler, Sir Ralph, ambaſſador from Henry VIII. to the court of Scotland, concludes a treaty of marriage between prince Edward and Mary, the infant-queen of Scotland, iv. 233. His retinue inſulted, at the inſtigation of cardinal Beaton, 234. His demand of the ſtipulated hoſtages, evaded by Arran, the regent, *ib.* Orders the Scots priſoners on parole to return to England, *ib.* Is made counſellor to the regency of Edward VI. 282. Aſſiſts in reſtoring the advantage to the Engliſh, at the battle of Pinkey, 304. Is appointed one of the commiſſioners for determining the cauſe between Mary queen of Scots, and Murray, the regent, v. 134.

Safety, committee of, elected, vii. 304. General Monk's artful behaviour to, 312.

Saladin, king of Egypt, his character, ii. 457. Recovers Paleſtine from the cruſaders, *ib.* Acre taken from him by the Chriſtians, 15. Is defeated by the Chriſtians under Richard I. of England, 20. Concludes a truce with Richard, 21. Review of his conduct in this war, *ib.* Dies, 22. Inſtance of his philoſophy, *ib.*

Salick

Salick law of ſucceſſion to the crown of France, the foundation of, traced, ii. 389. Attempted to be introduced into the Engliſh government by Henry IV. iii. 79. Revoked at the inſtance of the houſe of commons, 80.

Saliſbury, an inſurrection of royaliſts there, under the protectorate, who proclaim Charles II. vii. 243.

———, earl of, natural brother to king John, commands the Engliſh fleet againſt Philip of France, and deſtroys his ſhips in their harbour, ii. 74.

———, counteſs of, miſtreſs to Edward III. the dropping of her garter, ſuppoſed to be the occaſion of inſtituting the order of the garter, ii. 448.

———, earl of, beſieges Orleans, iii. 138. Killed before the town, 139.

———, earl of, inſtances of generalſhip in, at the battle of Blore-heath, iii. 204 Taken by queen Margaret at the battle of Wakefield, and beheaded, 209.

———, counteſs of, mother of cardinal Pole, is attainted and condemned by parliament, but reprieved, iv. 198. Executed, 213.

———, ſecretary Cecil created earl of, by James I. vi. 5. Cauſes which procured his promotion, *ib.* Procures the diſmiſſion of his former aſſociates, *ib.* Communicates to the king the hints he received of the gun-powder plot, 34. Is made treaſurer, 46. Expoſtulates with the parliament on the king's neceſſities, *ib.* Invents the title of baronet, to ſupply James with money by the ſale of it, 71.

Sallee is deſtroyed by an Engliſh fleet, vi. 306.

Sanchez, king of Navarre, inſtance of his confidence in the juſtice of Henry II. of England, i. 467. His daughter Berengaria married to Richard I. ii. 12.

Sandilands, Sir James, is ſent from the parliament to queen Mary in France, to obtain a ratification of their proceedings in reforming religion, v. 39.

Sandwich, earl of, fails in attempting to ſeize the Dutch Eaſt India fleet, in the Daniſh harbours, vii. 406. Is killed at the battle of Solebay, 485.

Sanquhar, lord, executed for aſſaſſination, vi. 61.

Santa Croce, marquis of, is appointed to command the Spaniſh Armada, v. 333. Dies, 339.

Santa Cruz, a Spaniſh fleet burnt in the harbour of, by admiral Blake, vii. 257.

Saville, Sir John, a zealous commoner againſt the court, is promoted and ennobled by king James I. vi. 117.

Savoy, a conference there, between twelve biſhops and twelve preſbyterian miniſters, vii. 369.

Savoy, Philibert duke of. See *Philibert*.

Sautré, William, rector of St. Oſythe, the firſt perſon burnt in England for hereſy, iii. 65.

Saxons, national character of, i. 18. Arrive in Britain under Hengiſt and Horſa, 19. Subdue Britain, and ſettle there, 20. Their conqueſts in

in Britain, very ruinous to the country, 26. Throw back all the Britiſh improvements into ancient barbarity, *ib.* After ſubduing the Britons, war againſt each other, 27. Difficulty of continuing their hiſtory, and why, 28. Brief view of their idolatrous religion, 31. Made but ſlow improvement in arts in England, 60. Their bigotry and ſuperſtition, 61. Their gradual eccleſiaſtical ſubjection to the ſee of Rome, traced, *ib.* Their theological diſputes, 63. Reduced to deſpair by the ravages of the Danes, 79. Admit the Danes to ſettle with them, after defeating them, 83. Their monks characteriſed, 110. Their affected auſterities, 113. Oppoſed by the ſecular clergy, 114. Review of the Saxon government in England, 198. The ſucceſſion of their princes, how regulated, 199. Account of their Wittenagemot, or national council, 201. *Earl* and *Alderman*, ſynonimous appellations among, *ib. note.* Their government ariſtocratical, toward the time of the Norman conqueſt, 204. State of popular liberty among, 208. Several orders of men among, *ib.* Their courts of juſtice, 212. State of legiſlation among, 214. Their criminal law, 215. Their military force, 225. Public revenues, *ib.* Value of money among, 226. Their manners inquired into, 229. Finally ſubdued by William duke of Normandy, 193. 231. See *Harold*, and *William*. Their laws compared with the civil law, iii. 300.

Saxony, Maurice elector of. See *Maurice*.

Scandal and reproach, inſtances of the ſevere puniſhment of, by the court of ſtar-chamber, vi. 303.

Scone, the famous ſtone there, on which the kings of Scotland were anointed, carried to London by Edward I. ii. 282. Robert Bruce crowned there, 317. Edward Baliol crowned there, 385.

Scotland, and *Scots*, the Scots and Picts invade Britain, i. 13. King Conſtantine defeated by Athelſtan, king of England, 104, 105. K. Duncan killed by Macbeth, 168. Macbeth killed, and Malcolm reſtored, *ib.* King William taken priſoner by Henry II. does homage, with all his nobility, for his ranſom, 448. The vaſſalage of, ſold by Richard I. to raiſe money for his cruſade, ii. 6. Remarks on the ancient hiſtory of, 245. Alexander III. king of, marries the ſiſter of Edward I. *ib.* Dies, 246. Is ſucceeded by Margaret of Norway, *ib.* Guardians appointed during her infancy, *ib.* A treaty of marriage negociated between her and prince Edward of England, *ib.* She dies on her paſſage to Scotland, 247. Competitors for the crown of, 248. 255. Their claims referred to the deciſion of Edward I. of England, 250. An enquiry into the nature of the homage done by the kings of, to thoſe of England, 251. The parliament of, and the competitors for the crown, attend the ſummons of Edward to Norham, ſouth of the Tweed, 253. Edward aſſerts his right to diſpoſe of the crown, as liege of the kingdom, *ib.* The fortreſſes in, delivered up to Edward, 256. The barons and prelates ſwear fealty to him, 257. Edward decides in favour of John Baliol's right to the crown, 258. Baliol ſwears fealty to Edward, and is put in poſſeſſion of the kingdom, *ib.* The Scots, and their new king, provoked at Edward's acts of uſurpation over them, 259. Aſſign a council to carry on the adminiſtration, and aſſemble an army to oppoſe the forces of Edward, 280. Berwic taken by Edward, and the garriſon

garriſon put to the ſword, 281. The Scots defeated by earl Warrenne, and the caſtle of Dunbar ſurrendered to Edward, *ib.* Roxborough taken, *ib.* Edinburgh, and the whole country, ſubdued, 282. Baliol ſwears fealty to him, *ib.* Baliol carried priſoner to London, and committed to the Tower, 283. Earl Warrenne left governor of, *ib.* The Scots abandoned by Philip of France, in conſequence of his treaty with Edward, 297. Warrenne returning to England, leaves the adminiſtration in the hands of Ormeſby and Creſſingham, 298. Their oppreſſions of the Scots, *ib.* The Scots riſe againſt the Engliſh, under William Wallace, 299. Gain a victory over Warrenne, 301. Wallace made regent, 302. The regency given to the ſteward, and Cuming of Badenoch, on Wallace's reſignation, 303. The Scots army defeated by Edward at Falkirk, 304. Apply to France for ſuccour, but are refuſed, 306. Engage pope Boniface in their intereſt, 307. John de Segrave, left guardian of, by Edward, who is defeated by the Scots, 309. Is again ſubdued by Edward, 310. Young Robert Bruce arrives in Scotland, and ſpirits up the nobility to a revolt, 314. Bruce is crowned at Scone, 317. He reduces the Engliſh in Scotland, and is acknowledged by the whole country, 337. Bruce defeats Edward at Bannockburn, 340. The independency of, eſtabliſhed by this victory, 341. He invades England on the death of Edward II. 372. The nature of the war made by the Scots, and their army, deſcribed, 373. Death of Robert Bruce, and acceſſion of his ſon David, 381. State of, at this period, 383. The earl of Marre appointed regent on the death of Murray, *ib.* Marre defeated and ſlain by Edward Baliol, 384. He is crowned at Scone, 385. Is routed by Sir Archibald Douglas, and flies to England, *ib.* Douglas defeated by Edward III. of England, and Edward Baliol reſtored, 388. He is acknowledged no longer than protected by the preſence of the Engliſh king, *ib.* King David defeated and taken priſoner by queen Philippa, 440. Is ranſomed, 461. An expreſs inquiry into the nature of the homage paid by the kings of, to thoſe of England, 501. The Scots obtain aſſiſtance from France to invade England, and their conduct in theſe incurſions, iii. 12. Diſoblige their allies, who return home, 13. Invade England again, but are worſted, 67. Battle of Homeldon, 68. Prince James taken priſoner by Henry IV. and educated in England, 75. Carried to France by Henry V. 114. The Scots army in France refuſe to obey their young king while in captivity, *ib.* James I. reſtored, 129. Murdered, *ib.* Affairs of, during the reign of Henry VI. and beginning of Edward IV. 219. State of, in the time of Henry VII. 332. James IV. receives and aſſiſts Perkin Warbec, 371. Marries Margaret eldeſt daughter of Henry, 386. The Scots routed at the battle of Flouden, and James killed, 439. His queen Margaret marries Douglas earl of Angus, iv. 5. The duke of Albany called over to the regency, 6. The ſtate of, as it appeared to Albany on his arrival, *ib.* Conſuſions in, on Albany's going over to France, 8. Reaſons in favour of alliances with France or England contraſted, 43. Extraordinary caſe of Patrick Hamilton burnt for hereſy, 214. Friar Forreſt burnt, 215. The reformation ſpreads in, 216. Henry declares war againſt, 227. Sir Robert Bowes defeated

defeated by the lords Hume and Huntley, 288. Battle of Solway, 223. Death of James V. 230. The infant queen Mary, contracted to prince Edward of England, 233. Invaded by Henry VIII. and Edinburgh burnt, 245. The Engliſh defeated at Ancram, 249. Is included in the peace of Campe between Henry and Francis, 253. Hiſtory of Wiſhart the reformer, 295. Cardinal Beaton aſſaſſinated, 297. Its misfortunes at this time, owing to a ſucceſſion of minorities, 299. The duke of Somerſet prepares to proſecute the war with, *ib.* His manifeſto, 300. The Scots prepare to repel Somerſet, 302. Battle of Pinkey, 303. The young queen Mary ſent to France, 312. The earl of Arran reſigns the regency to the queen dowager, 439. The young queen Mary married to the Dauphin, 440. Engliſh reformers protected there from the proſecutions of queen Mary, v. 21. Account of the aſſociation called *the Congregation of the Lord*, 22. See *Congregation*, and *Guiſe, Mary of.* Treaty of Edinburgh, 36. Settlement of the adminiſtration during the queen's abſence by this treaty, *ib.* The catholic religion ſuppreſſed, and the preſbyterian diſcipline eſtabliſhed by parliament, 38. Queen Mary arrives, on the death of her huſband, 45. The queen expoſed to inſults for her adherence to the catholic religion, 47. The poverty of the reformed clergy there, 54. The eccleſiaſtical benefices how aſſigned by the privy council, 55. Mary married to the lord Darnley, 89. A confederacy formed againſt Mary at Stirling, which is encouraged by Elizabeth, 90. The rebels driven into England, 91. Murder of Darnley, 107. The proteſtant religion eſtabliſhed by parliament, with the queen's ſanction, 110, *note*. Mary married to Bothwel, 115. Reflections of the people on theſe events, *ib.* Mary impriſoned in Lochlevin caſtle, 120. Mary forced to reſign the crown, and her ſon James VI. crowned, 124. Arrival of Murray the regent, 125. The ſettlement of the crown and adminiſtration confirmed by parliament, *ib.* Battle of Langſide, 128. Mary flies to England, *ib.* Her cauſe examined before Engliſh commiſſioners, 135. 144. Murray the regent aſſaſſinated, 167. The earl of Lenox appointed regent, 168. He is put to death by Murray's party, and the earl of Mar choſen, 202. Morton made regent on the death of Mar, *ib.* Diſcontents and factions againſt Morton, 230. Morton tried and executed, 232. A conſpiracy of nobles formed, who ſeize the young king James, 248. James eſcapes from them, 254. Earl of Arran degraded, 256. A defenſive alliance entered into between James and Elizabeth, 270. Queen Mary ſentenced to death by Engliſh commiſſioners, 299. And executed, 319. The hoſtile laws between, and England, aboliſhed, vi. 41. The natural conſequences of their king ſucceeding to the crown of England, 82. View of the ſtate of religion there, 84. James obtains the juriſdiction of biſhops to be acknowledged, *ib.* The eſtabliſhment of epiſcopal authority and ceremonies oppoſed, *ib.* The nature of the excommunication pronounced by the eccleſiaſtical courts in, 86. Behaviour of Black, miniſter of St. Andrews, 87. Seditious principles of the clergy there, 88. Some of the refractory miniſters puniſhed on his acceſſion to the crown of England, *ib.* The general aſſembly ſubmit to regal and epiſ-

copal authority, 89. A court of high commiſſion erected, *ib.* Altercations between James and the clergy, 90. Conſequences of the influence of the nobility, and the abſence of the king, 320. Diſcontents of the inferior clergy there, 322. Introduction of the canons and liturgy, 325. A tumult at Edinburgh on occaſion of the liturgy, 327. The covenant eſtabliſhed, 329. Epiſcopacy aboliſhed by the general aſſembly, 334. The covenanters aſſiſted by cardinal Richlieu, 236. The covenanters raiſe forces, and ſecure the whole country, *ib.* Their zeal inflamed by Michelſon the propheteſs, 337. Charles marches with a force to Berwic, 339. A pacification concluded with the covenanters, 341. A letter from the malcontents to the king of France intercepted, 357. Another armament ſent againſt them, *ib.* The Scots army rout lord Conway at Newburn, *ib.* They take poſſeſſion of Newcaſtle, 358. Treaty of Rippon, *ib.* Are attacked by Strafford, 360. The army diſbanded by the Engliſh houſe of commons, 423. The lords of articles aboliſhed, on the arrival of Charles, 426. Reflections and views of the covenanters, on the breaking out of the civil war in England, 536. Send commiſſioners to the king at Oxford, to offer a mediation, 538. Summon, by their own authority, a convention of ſtates, 539. The ſolemn league and covenant framed with the Engliſh commiſſioners, 540. Raiſe an army to aſſiſt the Engliſh parliament, 542. The king puts himſelf into the hands of the Scots army before Newark, vii. 73. Deliver up the king to the parliament for the payment of the arrears of the army, 79. Their commiſſioners affronted by the independent faction in the long parliament, 113. Their commiſſioners concert a treaty with the king, for arming in his favour, 116. Parties diſtinguiſhed there at this time, *ib.* The royaliſts defeated by Cromwel, 128. Charles II. proclaimed after his father's execution, 159. Commiſſioners ſent to Breda, to propoſe terms to Charles, 173. Cruel and inſulting treatment and execution of Montroſe, 179. Treatment of Charles on his landing, 183. Numbers burnt for witchcraft, 186. Battle of Dunbar, 190. Charles crowned at Scone, 192. Charles marches into England, 195. Is routed by Cromwel at Worceſter, 196. Stirling-caſtle reduced by Monk, and the records of the kingdom ſent to London, 207. Dundee and other towns taken, *ib.* The kingdom ſubmits to the commonwealth, *ib.* The civil adminiſtration of, under the protectorate of Oliver Cromwel, 266. The forts raiſed and troops diſbanded by Charles II. on his reſtoration, 365. A parliament, *ib.* Prelacy tacitly reſtored, 366. Sharp made archbiſhop of St. Andrews, 367. Trial and execution of Argyle and others, *ib.* Lord Lorn condemned, but pardoned by the king, 438. Proceedings of parliament, 439. Arbitrary impoſition of fines under the act of indemnity, *ib.* Diſorders occaſioned by the re-eſtabliſhment of epiſcopacy, 440. And by violent meaſures to ſuppreſs conventicles, 442. Inſurrection and renewal of the covenant, 443. The inſurgents routed by Dalziel, *ib.* Cruel execution of the covenanters, 444. The attempts to reconcile the people to epiſcopacy without effect, viii. 49. A parliament, 50. Severe law againſt conventicles, 52. The arbitrary adminiſtration of Lauderdale, 53. Caſe of Mitchel, 54. Archbiſhop Sharp murdered, 114.

114. A parliament held by the duke of York, 167. Condemnation of the earl of Argyle, 169. Cruel perſecution of the covenanters, 171. Two women drowned for not abjuring the declaration, 174. A declaration of indulgence publiſhed by James II. 259. Revolts againſt James, on the coming over of the prince of Orange, 300. The convention ſummoned by the prince, makes a tender of the crown to him and his princeſs, 309.

Scriptures, a tranſlation of, made by Tindal the reformer, iv. 131. See *Bible*.

Scutage, an explanation of that term, and on what occaſions levied by the Anglo-Norman kings, ii. 127. None levied by Edward I. 323.

Sea-fights. See under the names of the reſpective commanders.

Secretaries of ſtate, a liſt of thoſe during the reign of James I. vi. 155. During that of Charles I. vii. 153.

Sedgmoor, battle of, between the duke of Monmouth and the earl of Feverſham, viii. 229.

Sedley, Mrs. her influence over James II. viii. 219.

Segrave, John de, appointed guardian of Scotland by Edward I. ii. 309. Is defeated by the Scots, *ib.*

Self-denying ordinance paſſed by the long parliament, vii. 27.

Seneffe, battle of, between the prince of Orange and the prince of Condé, viii. 9.

Severus, emperor, completes Adrian's rampart, i. 10. This rampart erected of ſtone, 13.

Seymour, lady Jane, maid of honour to queen Anne Boleyn, attracts the notice of Henry VIII. iv. 156. Is married to the king the next day after Anne Boleyn's execution, 162. Is brought to bed of a ſon (afterward Edward VI.) and dies, 176.

———, Sir Edward, brother to queen Jane, made earl of Hertford, iv. 176. Commands the forces of Henry VIII. in an invaſion of Scotland, and burns Edinburgh, 245. Is ſent with forces over to Calais, 253. Is appointed one of the regency during the minority of Edward VI. 282. Is choſen protector by the regency, 283. Is created duke of Somerſet, 284. See *Somerſet*.

Seymour, lord, ſecond ſon of the protector Somerſet, commands a ſquadron ſtationed at Dunkirk, to prevent the duke of Parma from joining the Spaniſh armada, v. 335.

———, Sir Francis, his ſpeech at the opening of the third parliament of Charles I. vi. 241.

———, Sir Thomas, is nominated one of the council to the regency, during the minority of Edward VI. iv. 283. Is created lord Seymour, and high admiral, 285. His character, 314. Marries the queen-dowager, *ib.* Cabals againſt his brother the protector, during his abſence in Scotland, *ib.* Forms a party in parliament againſt the protector, 315. Is intimidated, and deſires a reconciliation with his brother, *ib.* Addreſſes the lady Elizabeth, after the queen-dowager's death, *ib.* Is committed to the Tower, 318. Is examined by the council, *ib.* Is attainted by parliament, 319. Is executed, 320.

Sforza, Francis, obtains the inveſtiture of Milan, iv. 98. See *Milan*.

Shaftesbury, Anthony Ashley Cooper, earl of, his hint of shutting up the exchequer, carried to the king by Sir Thomas Clifford, vii. 475. Is made chancellor, 478. His speech to parliament on the Dutch war, 500. Issues writs for supplying vacant seats in parliament, 502. Deserts the court, and joins the country party, 505. Is dismissed from being chancellor, 512. Is sent to the Tower for disputing the legality of the parliament after a twelvemonth's prorogation, viii. 26. Flatters the duke of Monmouth with hopes of the succession, 95. Is made president of the council, 102. Is removed by the king, 123. Presents the duke of York, as a popish recusant, to the grand jury of Middlesex, 127. Is accused of treason, but acquitted, 166. Instigates the duke of Monmouth's conspiracy, 183. Retires to Holland, and dies, 184. His character, *ib.*

Shakespeare, scarcely any mention of civil liberty to be found in his historical plays, v. 469, *note*. A character of his dramatic writings, vi. 191. Compared with Jonson, 192.

Sharp, a Scots presbyterian commissioner, abandons their cause, and is made archbishop of St. Andrews, vii. 367. His cruelty towards the covenanters, 444. Is shot at by Mitchel, viii. 54. Is murdered, 114.

———, Dr. is suspended by the court of high-commission, in the reign of James II. for preaching against popery, viii. 255.

Shaw, Dr. procured by the duke of Gloucester to declare his brother Edward illegitimate, in a sermon at St. Paul's, iii. 277. Ill success of this scheme, 278.

Sheep, the number of, restricted by statute, iv. 277. Sir Thomas More's censure of the excessive breeding of, 328.

Sherfield, recorder of Salisbury, is prosecuted in the star-chamber for breaking a painted church-window, vi. 290.

Sheriffs, the primitive nature of their office, ii. 270.

Ship-money, first levied in England, i. 142. Imposed on occasion of the Spanish invasion, v. 461. First levied by Charles I. vi. 225. Is extended over the whole kingdom, 301. Trial of John Hambden, for refusing to pay it, 315. The sheriffs voted delinquents for assessing it, by the commons, 372. Is declared illegal, 380.

Shipping, state of, in the reign of Edward III. ii. 496. Cause of its decay at that time, *ib.* See *Navy*.

Shirley, Dr. and Fag, a member of the house of commons, great disputes between the two houses, occasioned by, viii. 14.

Shore, Jane, accused by the duke of Gloucester in council, iii. 274. Remarks on the accounts given of her, *ib. note*. Her history, 276.

Shrewsbury, battle of, between Henry IV. and young Piercy, iii. 71.

———, countess of, her scandalous reports of queen Elizabeth, communicated to Elizabeth by Mary queen of Scots, v. 506.

———, earl of, is added to the privy council for the consideration of the case of Mary queen of Scots, v. 144. Mary committed to his custody at Tedbury, 146. She is removed from his care on account of his indulgence to her, 258. Is appointed to attend on her execution, 311.

———, earl of, renounces the catholic religion, and joins the prince of Orange, viii. 284.

Sicily, tranſactions of Richard I. of England, and Philip of France, during their wintering there, on their way to the cruſade, ii. 9. The pope's conteſts with the emperor Frederic concerning, 171. Is offered, by the pope, to Richard earl of Cornwal, who refuſes it, *ib.* Is accepted by Henry III. for his ſecond ſon Edmond, 172. The heavy debt incurred by Henry, in aſſerting this grant, *ib.* A cruſade publiſhed againſt, by the pope, 173.

Sidney. Algernon, ſecretly negociates with France, and receives bribes and preſents from that court, viii. 43, *note*. Enters into the duke of Monmouth's conſpiracy, 185. Review of his life and character, 196. Is tried, *ib.* His defence, 197. Is executed, 198.

———, Sir Henry, lord deputy of Ireland, reduces Shan Oneale, v. 399. His vigilant adminiſtration, *ib.*

———, Sir Philip, writes to queen Elizabeth, to diſſuade her from marrying the duke of Anjou, v. 244. Is made governor of Fluſhing, 273. His death and character, 276.

Sigebert, king of Eaſt Anglia, reſtores Chriſtianity in his kingdom, and ſaid to found the univerſity of Cambridge, i. 46.

———, king of Weſſex, depoſed for his bad adminiſtration, i. 55. His baſe ingratitude to his protector, *ib.* Revenged upon him, 56.

Sigefert, a Northumbrian pirate, routed by Alfred, i. 89.

Silver. See *Money*.

Simier, is ſent over by the duke of Anjou, to proſecute his ſuit with queen Elizabeth, v. 239. His art in rendering his converſation agreeable to her, 240. Diſcovers Leiceſter's marriage to the queen, *ib.* Is taken under the queen's immediate protection, on Leiceſter's attempting his life, *ib.*

Simnel, Lambert, a baker's ſon, becomes the inſtrument of Simon the prieſt to diſturb the government of Henry VII. iii. 323. Opens his pretenſions in Ireland, as earl of Warwic, which revolts under him, 325. Crowned at Dublin, as Edward VI. *ib.* Receives forces from the ducheſs of Burgundy, 328. Invades England, 329. Defeated at the battle of Stoke, *ib.* Becomes ſcullion to the king, and is promoted to be his falconer, 330.

Simon, Richard, a prieſt, concerts the pretenſions of Lambert Simnel, againſt Henry VII. iii. 323. Carries his pupil to Ireland, which revolts, 325. Why only confined, on Simnel's overthrow, 330.

Sinclair, Oliver, favourite of James V. appointed to the command of the Scots army, iv. 329. Is defeated by the Engliſh at Solway, *ib.*

Sindercome, is condemned for attempting the life of Oliver Cromwel, vii. 282. Poiſons himſelf, 284.

Sirnames, when introduced into England, ii. 140.

Sithric, a Daniſh nobleman, appointed king of Northumberland, by Athelſtan, i. 104. Fate of his ſons, *ib.*

Siward, duke of Northumberland, his hiſtory, i. 168.

Six articles, law of. See *Articles*.

Skir, applies to the houſe of lords for redreſs againſt the Eaſt India company, and is taken into cuſtody by the commons, vii. 454.

Slaves, villains, how conſidered among the Anglo-Saxons, i. 211. Methods of, *ib.*

Smalcalde,

Smalcalde, a league of the proteſtant princes of Germany formed there, iv. 99. Money remitted to the league by Henry VIII. 142.

Smyrna fleet, Dutch, attacked by Sir Robert Holmes, vii. 478.

Society, civil, more probity to be found in, than among rude and barbarous nations, i. 222.

Sodalitium, or Saxon bond of compact, deſcribed, i. 206.

Soldiers, common, their pay in the time of Edward III. ii. 497. *note*. Whence their chief emoluments aroſe, *ib*.

Solebay, battle of, between the Engliſh and French fleets, and De Ruiter the Dutch admiral, vii. 485.

Solway, battle of, between the Engliſh and Scots, iv. 229.

Solyman, ſultan, conquers Hungary, and beſieges Vienna, iv. 99.

Somerſet, duke of, governor of Normandy, obliged to ſurrender Roüen, and the reſt of the province, to Charles VII. iii. 176. Succeeds the duke of Suffolk in his influence with Henry VI. and his queen, 188. Sent to the Tower, 199. Killed at the firſt battle of St. Alban's, 200.

———, the earl of Hertford, protector during the minority of Edward VI. created duke of, iv. 284. Procures his authority to be confirmed by patent, 286. Favours the eſtabliſhment of the reformation, 288. Appoints a viſitation of dioceſes, 291. Makes preparation for the war with Scotland, 299. Publiſhes a manifeſto, 300. Advances towa d Edinburgh, 301. Defeats the Scots at the battle of Pinkey, 303. Leaves Warwic to treat for an accommodation, and returns to England, 306. Calls a parliament, *ib*. Paſſes laws favourable to the reformation, 307. Suppreſſes ſome popiſh ceremonies, 308. Orders Haddington to be fortified and garriſoned, 310. Is informed of his brother's cabals againſt him, 314. Commits him to the Tower, and orders a proſecution of him, 318. Signs the warrant for his execution, 320. Appoints a commiſſion to inquire concerning incloſures, 329. Inſurrections of the people, *ib*. Endeavours at an alliance with the emperor, but is diſappointed, 333. Is oppoſed in his intention to conclude a peace with France and Scotland, 334. His haughty exertion of his authority excites cabals againſt him, 335. Becomes obnoxious for courting popular favour, *ib*. Demoliſhes churches, to build a palace with the materials, 336. A conſpiracy formed againſt him at Ely-houſe, *ib*. Removes the king to Windſor, and prepares for his defence, 337. Is deſerted by all but Paget and Cranmer, and deſpairs, *ib*. Is ſent to the Tower, 338. Confeſſes on his knees before the council, the charges laid againſt him; is deprived of his offices, and fined, 340. Is re-admitted to the council, *ib*. Marries his daughter to the lord Dudley, ſon to Warwic, *ib*. The ſchemes of Northumberland to ruin him, 351. Is arreſted, together with his ducheſs and friends, *ib*. The charges againſt him, *ib*. Is tried, 352. Executed, 353. His character, and reflections on his fate, *ib*.

———, Carre, viſcount Rocheſter, created earl of, vi. 70. Is inſtigated by his lady to procure Sir Thomas Overbury to be poiſoned, *ib*. Is ſtung with remorſe, and declines in the king's favour, 75. Is convicted of Overbury's death, 77. Is pardoned, and dies in obſcurity, 78.

Southampton, Wriotheſely, chancellor, and one of the regency, during the minority of Edward VI. created earl of, iv. 284. Puts the great ſeal in commiſſion, 285. Is deprived of the chancellorſhip, and removed from the
1 council, 286. Is re-admitted to the council, and cabals with Warwic againſt the protector, 336. Enters into a plot againſt him at Ely-houſe, 337. Retires from the council, and dies of vexation, 339.
——————, earl of, attends the earl of Eſſex to Ireland, who makes him general of horſe, v. 404. Is diſplaced by the queen's orders, 406. Enters into Eſſex's conſpiracy at Drury-houſe, 423. Is tried with Eſſex, and condemned, 427. Is ſpared, but detained in priſon, 432.

Spain, ſtate of, at the time of Henry VII. of England, iii. 333. See *Ferdinand of Arragon*. Leagues with the Italian ſtates againſt France, 368. Obtains poſſeſſion of the kingdom of Naples, 414. Death of Ferdinand, and acceſſion of his grandſon Charles, iv. 12. See *Charles* V. Acquires the final poſſeſſion of Navarre, 25. The kingdom of, reſigned by the emperor Charles V. to his ſon Philip, 425. See *Philip* II. Charles retires to the monaſtery of St. Juſt, in Eſtremadura, *ib.* Victory of St. Quintin, 434. Peace of Cateau Cambreſis, v. 16. Philip vows to ſpend his life in the extirpation of hereſy, 65. His cruel perſecution of heretics, *ib.* Its flouriſhing ſtate and power at this time, 172. The invincible armada fitted out for the conqueſt of England, 333. This fleet deſtroyed, 343. Cadiz taken and plundered by the Engliſh, 380. The harbour of Cerimbra attacked, and a rich carrack taken there, 444. Peace concluded with England, vi. 27. Acknowledges the independency of the United Provinces, and concludes a truce with them for twelve years, 44. Arrival of prince Charles there, to proſecute his marriage with the Infanta, 133. The match broke off by Buckingham, 137. Acknowledges the republican government of England, vii. 250. The Engliſh ambaſſador murdered there by baniſhed royaliſts, *ib.* Revolt of Portugal, and other ill ſucceſſes, 251. Declares war againſt England, on the ſeizure of Jamaica, 255. The galleons taken and deſtroyed at Cadiz, 257. A fleet burnt in Santa Cruz harbour, *ib.* War with France, 431. Its ſituation at the time of the congreſs of Nimegnen, and motives of haſtening the treaty there, viii. 22. The treaty of Nimeguen concluded, 46. Declares war againſt France, 206.

Spalato, archbiſhop of, comes to England, turns proteſtant, eſcapes to Italy, and dies in confinement, vi. 197.

Speaker of the Houſe of Commons, firſt appointment of, iii. 3.

Spenſer, his character as a poet, v. 492.

Spenſer. See *Deſpencer*.

Sprague, admiral Sir Edward, is killed in the engagement with the Dutch at the mouth of the Texel, vii. 509.

Spurs, battle of, between the troops of Henry VIII. and the duke of Longueville, iii. 435.

St. Alban's, the monaſtery of, by whom endowed, i. 49. Obſervations on the petition of the borough of, to parliament, in the reign of Edward II. ii. 508. Battle of, between Henry VI. and Richard duke of York, iii. 200. Between queen Margaret, and the earl of Warwic, 210.

St. Andrews, Wiſhart the reformer burnt there, by cardinal Beaton, iv. 297. The cardinal aſſaſſinated there, *ib.* Is ſurrendered to the queen-dowager of Scotland, 299. Curious reſolution of a ſcholaſtic debate there, by the ſub-prior's ſervant, 460. Walter Mill burnt there, v. 23. A meeting of biſhops and clergy ſummoned there by king James, vi. 90.

———, prior of, attends the queen-regent of Scotland, in her endeavour to ſuppreſs the riots of the reformers, v. 27. Joins the aſſociation termed the *Congregation of the Lord*, 30.

St. Aubin, battle of, between the duke of Britanny and the French, iii. 342.

St. Bartholomew, maſſacre of the Hugonots at Paris, on the eve of that day, v. 205.

St. Dennis, battle of, between the conſtable Montmorency, and the prince of Condé, v. 186. Battle of, between the prince of Orange, and mareſchal Luxembourg, viii. 46.

St. Diſier taken by the emperor Charles V. iv. 247.

St. Edmondſbury, a confederacy of the barons formed there, by cardinal Langton, to aſſert their privileges againſt the oppreſſions of king John, ii. 79.

St. Giles, tutelar ſaint of Edinburgh, riot of proteſtants there on the feſtival of, v. 24.

St. John, his ineffectual negociations with the States-general of the United Provinces, vii. 209. Excites a quarrel between the Commonwealth and the States, *ib.*

——— of Jeruſalem, the knights of, refuſe to ſurrender their revenues to Henry VIII. iv. 205. The order diſſolved by parliament, *ib.*

St. Omer's, the prince of Orange defeated there by mareſchal Luxembourg, viii. 27.

St. Quintin, battle of, between the conſtable Montmorency, and the Spaniſh army, under Philibert duke of Savoy, iv. 434.

Stafford, lord viſcount, is tried for the popiſh plot, viii. 140. Is condemned, 142. Executed, 144.

Standard, battle of, i. 357.

Stanley, lord, ſuſpected by Richard III. of favouring the earl of Richmond, ii. 294. His ſon retained by Richard as the pledge of his fidelity, *ib.* His ambiguous conduct previous to the battle of Boſworth, *ib.* Declares for Richmond, ſoon after the commencement of the action, *ib.* Created earl of Derby, 314.

———, William, governor of Deventer, betrays the place, and deſerts with his whole garriſon to the Spaniards, v. 328.

———, Sir William, preſents the earl of Richmond with Richard III's crown, found in Boſworth field, iii. 307. Detected by Sir Robert Clifford in abetting Perkin Warbec, 362. Tried and executed, 363.

Stannary-Courts ſuppreſſed by the long parliament, vi. 422.

Star-chamber, the juriſdiction of, how founded, and when eſtabliſhed, iii. 397. The nature of that juriſdiction explained, v. 453. Its antiquity, vi. 159. Its authority not limited by any preciſe law or ſtatute, 160. Oppreſſive ſentences of this court, 295, 298, 303, 313. Its proceedings

condemned by the commons, 373. Is ſentence on Prynne and others reverſed, and ſatisfaction ordered, 378. Is aboliſhed by parliament, 420.
Stayner, captain, takes and deſtroys the Spaniſh galleons at Cadiz, vii. 257.
Stephen, king of England, his pretenſions to the crown, how founded, i. 350. Aſſumes the crown, 352. Grants a charter to his ſubjects, 353. His title ratified by the pope, *ib.* His ſubjects ſwear a conditional allegiance to him, 355. Summoned before a ſynod, by his brother Henry, biſhop of Wincheſter, 359. Taken priſoner by the empreſs Matilda's party, 361. Exchanged for earl Robert, Matilda's brother, 365. Diſguſts his nobles, by demanding their caſtles, 366. His party laid under the papal interdiction, but removed by his ſubmiſſions, *ib.* The archbiſhop of Canterbury refuſes to anoint his ſon Euſtace, 368. Enters into a compromiſe with Henry, ſon of the empreſs Matilda, *ib.* Dies, 369. His character, *ib.*
Stigand, archbiſhop of Canterbury, proclaims Edgar, and encourages the Engliſh to reſiſt the Normans, i. 232. Not permitted to officiate at the coronation of king William, 235. Attends him to Normandy, 239. His character, 255. Degraded and impriſoned, 257.
Still-yard, merchants of, when eſtabliſhed into a company, iv. 349. The privileges of, annulled by the council of Edward VI. *ib.*
Stirling, a confederacy of malcontent Scots nobles formed there, againſt queen Mary, v. 90. The rebels forced to retire into England, 91.
Stoke, battle of, between Henry VII. and the earl of Lincoln, Lambert Simnel's general, iii. 329.
Stowe, his acknowledgment of the advance of trade during the peaceable reign of James I. vi. 570.
Stowel, an abhorrer, reſiſts the order of the houſe of commons for his commitment, viii. 131.
Strafford, Wentworth earl of, his preferment, and the motive of it, vi. 284. His character, *ib.* Is called from Ireland, and ſent lieutenant-general againſt the Scots, 357. Obtains the chief command by the illneſs of Northumberland, 359. Adviſes the king to continue the war, *ib.* Gains an advantage over the Scots, 360. The army diſcontented, *ib.* His general unpopularity at the meeting of the long parliament, 365. Is promiſed protection by the king, 367. Is impeached by the houſe of commons, 369. Is taken into cuſtody, *ib.* A commiſſion appointed for trying him, 396. Is accuſed by the Iriſh parliament, 397. Examination of his caſe and conduct, 399. His defence, 401. Notes of his ſpeech in council, produced againſt him by Vane and Pym, 407. His defence againſt this paper, 408. Is attainted by the commons, 409. The populace excited againſt him, 410. Writes to the king to give him up, 414. His attainder paſſed, 415. Is executed, 418. His character, *ib.*
Stratford, archbiſhop of Canterbury, is employed by Edward III. in collecting the new levies, ii. 409. Enters into a combination againſt the king on his return from Flanders, 410. His letter to the king, 411. Comes to parliament unſummoned, in his pontifical robes, and demands admittance, *ib.* Is at length reconciled to the king, *ib.*

Stratton,

Stratton, battle of, between the earl of Stamford and the royaliſts, vi. 517.

Straw, Jack, one of the heads of Tyler's inſurrection. See *Tyler*.

Strickland, a member of the houſe of commons, introduces a bill for the amendment of the liturgy, v. 174. Is ſummoned before the council, and prohibited appearing in the houſe, 175. Is reſtored to his ſeat, 177.

Strigul, earl of. See *Strongbow*.

Strode, his cruel treatment in Cornwal, for bringing a bill into parliament, relating to tin, iv. 271.

———, a member of the houſe of commons, impeached by Charles I. vi. 467.

Strongbow, Richard, earl of Strigul, engages to aſſiſt Dermot, king of Leinſter, i. 428. Applies to Henry II. for permiſſion, 429. Marries the daughter of Dermot, and ſucceeds to his kingdom, *ib.* The Iriſh not able to withſtand him, 430. Receives from Henry the commiſſion of ſeneſchal of Ireland, *ib.*

Strozzi, the French admiral, makes an attempt on Jerſey, but is engaged by an Engliſh fleet, iv. 233.

Stuart, the cauſes of the unhappineſs of the princes of that houſe in the government of England pointed out, vi. 580. Reflections on the adminiſtration of that family, while on the throne of England, viii. 320.

———, James, of Ochiltree, joins in the deſigns of the count d'Aubigney, in detaching James VI. of Scotland from the intereſt of England, v. 231. Is made earl of Arran, 247. See *Arran*.

Subſidies and Fifteenths, the nature, amount, and method of levying theſe taxes, vi. 173. Are altered into a land-tax, 175. The laſt grant of ſubſidies, vii. 391.

Suetonius Paulinus, ſent by Nero to Britain, i. 7. Subdues Angleſey, the chief ſeat of the Druids, *ib.* Defeats Boadicea, 8. Recalled, 9.

Suffolk, earl of, ſucceeds, at the death of the earl of Saliſbury, to the command of the ſiege of Orleans, iii. 139. Diſconcerted by Joan D'Arc, 146. Raiſes the ſiege, 149. Beſieged himſelf at Jergeau, *ib.* Taken priſoner by one Renaud, whom he knighted, *ib.* Negociates a truce with Charles VII. of France, 169. Concludes a treaty of marriage between Henry VI. and Margaret of Anjou, 170. Created a duke, 171. Defends his conduct in the houſe of lords, 184. Impeached by the commons, 185. His juſtification of himſelf, *ib.* Baniſhed by the king, 187. Murdered, 188.

———, Edmund de la Pole, earl of, flies to Flanders, and why, iii. 391. Is pardoned, but elopes again, 392. Political improvement of this incident by Henry VII. *ib.* His ſecrets betrayed, by the treachery of Sir Robert Curzon, *ib.* Protected by Philip, archduke of Auſtria, 393. Deluded over to England by Philip, and committed to the Tower, *ib.* Beheaded by Henry VIII. 433. Motives to this action, *ib.*

———, Charles Brandon, duke of, marries Mary queen dowager of France, ſiſter to Henry VIII. privately, iii. 415. Henry reconciled to him, *ib.* Retires diſguſted, iv. 4. Is ſent by Henry to invade Picardy, 51.

51. Penetrates almoſt to Paris, 52. Is ſent by Henry to ſuppreſs Dr. Mackrel's inſurrection, 171. Dies, 255. The king's character of him, 256.

Suffolk, the marquis of Dorſet created duke of, iv. 361. For his daughters, *Jane* and *Catharine*, ſee *Grey*. Is appointed to command the army, to defend his daughter Jane's pretenſions, 370. The command taken by Northumberland, *ib.* Declares for queen Mary, 372. Is apprehended, but releaſed, *ib.* 373. Engages in a conſpiracy againſt Mary, 389. Is taken priſoner, *ib.* Is tried and executed, 393.

———, lord, and lord chamberlain, is ordered to ſearch the vaults under the parliament-houſe, and diſcovers the powder, intended to blow up king and parliament, vi. 35.

———, earl of, his daughter, married to the earl of Eſſex, vi. 67. See *Carre* and *Eſſex*. Succeeds Saliſbury as treaſurer, 71.

Suits in forma pauperis, firſt given to the poor, iii. 398.

Sunday, ſports and exerciſes allowed on, by proclamation of James I. vi. 92. The puritans diſtinguiſh themſelves by terming it the *Sabbath*, 211. An edict for ſports on, renewed by Charles I. 299.

Sunderland, earl of, is made ſecretary of ſtate, viii. 102. Remarks on his conduct, 175. Is ſuppoſed to have entered into a correſpondence with the prince of Orange, 294.

Supplies, extraordinary, the amount of thoſe granted to James I. by parliament, vi. 172. See *Revenue*.

Surienne, Sir Francis, refuſes obedience to Henry VI's order to ſurrender Maine to the duke of Anjou, iii. 174. Reduced to capitulate by Dunois, *ib.* Retires into Britanny, *ib.*

Surrey, earl of, encourages Henry VIII. in his pleaſures, iii. 410. Collects an army, and marches to oppoſe James IV. of Scotland, 438. Defeats James at the battle of Floudeu, 439. Created duke of Norfolk, 440. See *Norfolk*.

———, lord Howard, ſon to the duke of Norfolk, made earl of, iii. 440. Is made admiral of England, and by the emperor Charles V. admiral of the Imperial dominions, iv. 40. Commands the Engliſh incurſions into France, 41. Commands in the invaſion of Scotland, 43. His character, 261. Is made governor of Boulogne, but afterwards diſplaced, 262. The motives of Henry's averſion to him, *ib.* His accuſation and execution, *ib.*

Suſſex, hiſtory of the Saxon kingdom of, i. 52.

———, earl of, is appointed one of the commiſſioners to hear the cauſe between Mary queen of Scots, and Murray the regent, v. 134. Marches againſt the northern inſurgents, 164. Is ſent with forces to Scotland, to check the progreſs of Mary's party, 168. Writes to Scotland, in order to fruſtrate the treaty entered into by Mary with Elizabeth, 170.

Swart, Martin, ſent with forces by the ducheſs of Burgundy, to the aſſiſtance of Lambert Simnel, iii. 328. Defeated and killed at the battle of Stoke, 330.

Sweating ſickneſs, firſt appearance of, iii. 314. Appears again, iv. 18, *note*.

Sweyn, king of Denmark, his invaſion of England, in conjunction with Olave king of Norway i. 132. Exacts tribute of Ethelred, and departs, 133.

133. Subſequent invaſions by him, 134. 141. Dies at Gainſborough, 144.

Sweden, acceſſion of Charles X. by the reſignation of queen Chriſtina, and his ſucceſſes in the north, vii. 246. Peace concluded with Denmark, by the mediation of the Engliſh and Dutch, 304. Joins in the triple league, 435. Is detached from it by France, 480.

Swiſs, league with pope Julius II. againſt the French, iii. 416. Drive the French out of Milan, and reinſtate Maximilian Sforza in that duchy, 424. Excel other nations in their infantry, 432. Invade Burgundy, 435. Deceived in a treaty by Tremoüille the governor, 436. Are defeated by Francis I. of France, at Marignan, iv. 9. A body of, in the ſervice of Francis, deſert in diſguſt, 54.

Synods held in England, i. 64, 128, 267, 271, 302, 303, 318, 334, 343, 358, 362, 391, 397. ii. 17, 57, 192, 285. See *Convocation*.

T

TAILLIAGES, levied by the Anglo-Norman kings, ii. 126.

Tancred, natural brother to Conſtantia, queen of Naples and Sicily, diſpoſſeſſes her of her dominions, ii. 9. His apprehenſions on the arrival of the cruſaders Richard I. of England, and Philip of France, who are obliged to winter at Meſſina, *ib.* His inſidious behaviour toward his gueſts, 11.

Tangier, the fortreſs of, yielded to Charles II. as part of the dowry with the princeſs Catharine of Portugal, vii. 378. Is demoliſhed and abandoned, viii. 156.

Tanijtry, in the Iriſh cuſtoms, explained, vi. 59. Is aboliſhed, *ib.*

Taxes, how impoſed in the reign of Edward I. ii. 323. Are arbitrarily increaſed by Edward III. 491. Never impoſed without conſent of parliament, by the houſe of Lancaſter, iii. 122. Oppreſſively raiſed by Henry VIII. under the name of loans, iv. 46. Exorbitant levies of, in the reign of Edward VI. 322, *note*. A review of thoſe impoſed during the time of the commonwealth, vii. 337.

Taylor, parſon of Hadley, burnt for hereſy, iv. 412.

———, biſhop of Lincoln, violently thruſt out of the parliament houſe for refuſing to kneel at the celebration of maſs, iv. 379.

Templars, knights, character of that order, ii. 361. Their cruel treatment by Philip the Fair, of France, 362. The order aboliſhed by pope Clement V. 364.

Temple, Sir William, reſident at Bruſſels, is ſent to the Hague, to concert an oppoſition to the French conqueſts in the Netherlands, vii. 433. His negociations with De Wit, *ib.* Concludes the triple alliance with the States and Sweden, 435. Is ſent plenipotentiary to the treaty at Aix-la-Chapelle, 436. Is viſited by De Wit, and the information he brings to him, 463. Is recalled from the Hague, 466. His remonſtrance to the king on being appointed ambaſſador to the States, viii. 7. Is ſent to the congreſs at Nimeguen, 21. His remonſtrance to the king, reſpecting an alliance againſt France, 37, 38. Concludes an alliance with the States,

States, to oblige Louis to comply with the treaty of Nimeguen, 42. Adviſes the king to form a new council, 101. His character as a writer, 337. His death, *ib.*

Tenchebray, battle of, between king Henry I. and duke Robert, i. 324.

Tenures, feudal, the nature and principles of, explained, ii. 103.

Terouane, beſieged by Henry VIII. iii. 434. Extraordinary relief brought them, *ib.* Capitulates, 435.

Teſt act paſſed, vii. 505. The duke of York ſet aſide by it, 506. A new one paſſed, with an exception in the duke of York's favour, viii. 83. Is diſpenſed with by James II. 230. His privilege of diſpenſing with it, confirmed in the caſe of Sir Edward Hales, 244.

Tewkeſbury, battle of, between Edward IV. and queen Margaret's army, iii. 250.

Texel, engagement between prince Rupert and De Ruiter, at the mouth of, vii. 508.

Thanes, among the Saxons, import of that diſtinction, i. 208.

Theatres, cauſe of the licentiouſneſs of, after the reſtoration, viii. 334. How corrected, 335.

Theft, when firſt made capital in England, i. 346.

Theobald, archbiſhop of Canterbury, made legate in England, i. 366. Refuſes to anoint Euſtace as king Stephen's heir, 368. Favoured by Henry II. on this account, 383.

Theodore, archbiſhop of Canterbury, calls a ſynod at Hatfield againſt the hereſy of the Monothelites, i. 64.

Thouloufe, count de, deſpoiled of his dominions for protecting the Albigenſes, ii. 67.

Thomas a Becket, his hiſtory previous to his preferment, i. 383. Appointed chancellor, 384. His magnificent way of life, *ib.* Goes ambaſſador to France, 385. Inſtance of the king's familiarity with him, 386. Promoted to Canterbury, *ib.* His aſſumed ſanctity on this occaſion, *ib.* His attacks on the earl of Clare, and William of Eynſford, 388. Oppoſes the king in a national ſynod, 492. Is prevailed on to ſubſcribe the conſtitutions of Clarendon, 395. His ſorrow for his compliance, 396. Sued for ſome lands, and his behaviour thereupon, 397. Condemned for contempt at the council of Northampton, 398. Conſults with his ſuffragans about a ſubſequent demand of money made on him by the king, 400. His extraordinary viſit to the king, 401. Appeals to the pope, and leaves the kingdom, 403. His reception in France, 404. His repreſentations abroad, 406. Excommunicates Henry's miniſters, 407. Obtains a legantine commiſſion, *ib.* Ineffectual treaties of pacification between him and the king, 410. Is reconciled to him, 411. Oppoſes the coronation of prince Henry when aſſociated with his father, 412. Suſpends the archbiſhop of York, and excommunicates other biſhops who aſſiſt at the coronation, 413. Murdered at the altar, 417. His character, and that of the age he lived in, *ib.* Canonized by pope Alexander, 421. Pilgrimages to his ſhrine, *ib.* King Henry does penance at it, 444. His murderers how puniſhed, 452. The extraordinary devotion paid to his ſhrine, iv. 181. The ſhrine pillaged, and Becket's bones burnt by Henry VIII. 182.

Thomond,

Thomond, earl of, his hiſtory, v. 400.

Throgmorton, Sir Nicholas, is tried at Guildhall, on account of Suffolk's conſpiracy, but acquitted, iv. 393. His jury cruelly treated, 394. His brother Sir John convicted, *ib.* Is releaſed from confinement by Philip, 402. Is made ambaſſador to Paris, and ſends over intelligence of the hoſtile meaſures of the French court, v. 33. Renews his application to Mary queen of Scots to ratify the treaty of Edinburgh, 42. Mary's ſpirited declaration to him on being denied a paſſage through England to Scotland, 43. Is employed by Elizabeth to encourage an inſurrection in Scotland againſt Mary, 90. His prudent management in this affair for his own ſecurity, 92. Is ſent ambaſſador to Scotland, on the captivity of Mary, 121. The tenor of his commiſſion, *ib.* Is ordered not to aſſiſt at the coronation of the young king James VI. 125.

Tibetot, John, earl of Worceſter. See *Worceſter*.

Tillage. See *Agriculture*.

Time, how meaſured by King Alfred, i. 97.

Tindal flies to Antwerp, from the power of Henry VIII. iv. 130. Makes a tranſlation of the ſcriptures, 131. Is artfully ſupplied with money to perfect it, by Tonſtal biſhop of London, *ib.*

Tobacco, when firſt introduced into England, v. 275.

Toleration, not a prieſtly virtue, iii. 119. The popular arguments for and againſt, occaſioned by the debates between cardinal Pole and biſhop Gardiner on that ſubject, iv. 406. The chief cauſe and origin of it, vi. 165.

Tomlinſon, colonel, the ſpeech of Charles I. to, at his execution, vii. 143.

Tongue, Dr. his character, and his intelligence concerning the Popiſh plot, viii. 63. Is recommended by the houſe of commons for church-preferment, 132.

Tonnage and poundage granted by parliament to Henry V. for life, iii. 104. Granted in like manner to Richard III. 290. To Henry VII. 318. The duties of, arbitrarily levied by Henry VIII. iv. 272. Remarks on the ſtatute granting theſe duties to him, *ib.* The long poſſeſſion of the duties occaſions them to be conſidered by the princes as their proper right and inheritance, vi. 50. A ſhort hiſtory of theſe grants, 268. Are levied by Charles I. after the expiration of the grant of them, 269. The ſpeaker of the commons forcibly detained until the paſſing a remonſtrance againſt them, 278. A limited grant of, made by the commons, 394. Are granted to Charles II. for life, vii. 354.

Tonſtal, biſhop of London, is ſent by Henry VIII. to Madrid, ambaſſador to the emperor Charles V. iv. 60. Buys up all Tindal's firſt incorrect tranſlation of the ſcriptures, and burns them, 131. His ſcheme in ſo doing, *ib.* Is appointed one of the regency during the minority of Edward VI. 282. Is diſmiſſed the council for oppoſing the reformation, 293. His character, 356. A bill of attainder paſſed againſt him by the peers, but rejected by the commons, 357. Is reſtored to his ſee of Durham by queen Mary, 375.

Torture arbitrarily inflicted by the officers of ſtate during the reign of queen Elizabeth, v. 457.

Tory, the origin of that name, as a party-distinction, viii. 126. The views of that party in opposing James II. and their plan for settling the government on his abdication, 310.

Tosti, brother to Harold, duke of Northumberland, his subjects rebel against him, i. 176. They justify themselves to Harold, who went to suppress them, *ib.* Superseded by Morcar, *ib.* Retires to Flanders, 177. Prepares to disturb Harold's government, 180. His depredations on the English coasts, 187. Defeated and killed by Harold, 188.

Tournay, in Flanders, is besieged by Edward III. ii. 405. Taken by Henry VIII. iii. 437. Wolsey put in possession of the bishopric, *ib.* Is delivered up to France, iv. 14.

Tournholt, battle of, between prince Maurice and the Spaniards, v. 376.

Tours, truce concluded there between England and Charles VII. of France, iii. 169.

Touton, battle of, between Edward IV. and the Lancastrians, iii. 218.

Trade, regulation of, among our Saxon ancestors, i. 222. A board of, when erected, viii. 329. See *Commerce*.

Transtamare, Henry count de, engages Charles king of France to invade his brother Peter king of Castile, ii. 475. Becomes possessed of Castile by the flight of his brother, 476. His soldiers desert to prince Edward, 477. Is defeated by Edward, and Peter restored, *ib.* Murders Peter, and regains the kingdom, 478. See *Castile*.

Transubstantiation, the point of, debated in convocation, iv. 385. The debate renewed at Oxford, *ib.*

Traquaire, earl of, goes to London to inform Charles of the tumults in Scotland, in opposition to the canons and liturgy, vi. 328. Prorogues the Scots parliament, 347. Intercepts a letter from the malcontents to the king of France, 345.

Treason, high, the cases of, limited by law, in the reign of Edward III. ii. 487. The vigorous and contrary statutes against, enacted by Henry VIII. and his parliaments, iv. 269. A severe law against, passed by the lords, but altered by the commons, 355. The species of, restricted by parliament, 379. Statutes of Elizabeth concerning, v. 183.

Treasurers, an account of those during the reign of James I. vi. 156. During that of Charles I. vii. 153.

Trent, the council of, assembled, iv. 293. Is transferred to Bologna, 294.

Trefilian, Sir Robert, gives his opinion against the validity of Richard II.'s commission to Gloucester's faction, iii. 18. Executed for it, 21.

Treves taken from the French by the Imperialists, viii. 19.

Trials by battle allowed by Henry II. to be evaded by appeal to a jury, i. 450.

Triple alliance formed against Louis XIV. vii. 435.

Trinity college, Cambridge, when, and by whom founded, iv. 279.

Tromp, the Dutch admiral, quarrels with Blake in Dover road, vii. 212. Engages Blake, *ib.* He and De Ruiter defeat Blake, 214. Engages Blake for three days, and is worsted, but secures the merchant-ships under his convoy, 215. Engages Blake for two days, and is defeated, 235. Is killed in an engagement with Monk, *ib.*

——, son of the former, sustains an engagement against the duke of York,

York, after the death of Opdam, vii. 403. He and De Ruiter engage the duke of Albemarle four days, 410. Is defeated at the mouth of the Thames, 412. His commiſſion taken from him, 414.

Troye, treaty at, between Henry V. and Philip duke of Burgundy, iii. 110. Articles of, ſpecified, *ib.* Reflections on this treaty, 111.

Tudor, Sir Owen, marries Catharine, widow of Henry V. iii. 118. Taken priſoner at the battle of Mortimer's Croſs, and beheaded, 210. Remarks on the adminiſtration of the princes of that houſe, vi. 561.

Tunis is bombarded by admiral Blake, and the ſhips in the harbour burnt, vii. 254.

Turenne, marſhal, his ſucceſſes in Alſace, viii. 10. Prevents Montecuculi from paſſing the Rhine, 17. Is killed, *ib.*

Turkey, commencement of the trade with, by a company eſtabliſhed by queen Elizabeth, v. 479.

Turnpikes, the firſt law for the erecting of, when paſſed, viii. 329.

Tyler, Wat, and Jack Straw, heads of the inſurrection in the reign of Richard II. aſſemble their adherents on Blackheath, iii. 8. Tyler has a conference with the king in Smithfield, 9. Is killed by Walworth, mayor of London, 10.

Tyrconnel, earl of, his character, and violent oppreſſion of the proteſtants in Ireland, viii. 251. Is made lord-lieutenant, 252. Projects a reverſal of the act of ſettlement, 260.

Tyrone, earl of, his character, v. 401. Enters into a correſpondence with Spain, and heads an inſurrection of the native Iriſh againſt the Engliſh, 402. Defeats the Engliſh under Sir Henry Bagnal, *ib.* His conference and treaty with the earl of Eſſex, 408. Breaks the truce on the return of Eſſex to England, 412. Is driven into the moraſſes by lord Mountjoy, 413. Joins the Spaniards who invade Ireland, 437. Is defeated by Mountjoy, 438. Surrenders himſelf to Mountjoy, 445. Is pardoned, *ib.*

Tyrrel, Sir James, murders Edward V. and the duke of York in the Tower, by orders of Richard III. iii. 280. Proves the murders by order of Henry VII. on account of Perkin Warbec's impoſture, 360. Executed for another crime, 390.

———, Walter, accidentally kills William Rufus with an arrow, i. 307. Joins the cruſade for penance, *ib.*

Tythes, the large pretenſions the Saxon clergy formed under that name, i. 73.

Tythings, the ſubdiviſion of counties into, by Alfred, for the regular adminiſtration of juſtice, i. 92.

V

VACARIUS reads public lectures in civil law at Oxford, under the protection of Theobald archbiſhop of Canterbury, iii. 299.

Vagrants are puniſhed by queen Elizabeth, by martial law, v. 455.

Valence, biſhop of, maternal uncle to queen Eleanor, made chief miniſter to Henry III. ii. 163.

Valentine forcibly detains the ſpeaker of the houſe of commons in his chair, until the paſſing a remonſtrance againſt tonnage and poundage, vi. 278. His ſentence by the court of king's bench, *ib.*

Van Ghent, the Dutch admiral, is purpoſely inſulted by an Engliſh yacht, vii. 473. Is killed by the earl of Sandwich at the battle of Solebay, 485.

Vane, Sir Harry, Secretary, his imprudent manner of urging the king's demands in the houſe of commons, vi. 352. Notes Strafford's ſpeech in council, found among his papers by his ſon, and made uſe of to condemn Strafford, 407. His doubtful depoſitions concerning this paper, 408.

——, Sir Henry, the younger, how he procured the condemnation of the earl of Strafford, vi. 407. Is ſent by the parliament, with offers to negociate a confederacy with the Scots, 540. His character, *ib.* Procures the ſolemn league and covenant to be framed, *ib.* Becomes a leader of the independents, vii. 21. His ſpeech in parliament preparatory to the ſelf denying ordinance, 25. Is ſent with other commiſſioners to the iſle of Wight, to treat with the king, 121. His remarks on the king's abilities, 122. Is named one of the council of ſtate after the king's death, 158. Is ſent with other commiſſioners to ſettle the affairs of Scotland, now reduced by Monk, 208. Encourages diſcontents againſt the protector, 242. Is confined by the long parliament on its reſtoration, 314. His general conduct and behaviour, *ib.* Is excepted from the act of indemnity on the reſtoration, 353. Is tried, 380. Is executed, 383. His character, *ib.*

Varenne, ſeneſchal of Normandy, ſent by Lewis XI. of France, with ſome forces, to the aſſiſtance of Henry VI. of England, iii. 223. Gets poſſeſſion of Alnwic-caſtle in Northumberland, *ib.*

Vaſſals under feudal tenure, obliged to ranſom their ſuperior lord, if in captivity, ii. 28. The ranſom of Richard I. of England, how levied, *ib.*

Vaſſalage, the origin and nature of, explained, ii. 102. Their condition under their reſpective lords, 110. Military ſervice, why changed into pecuniary ſupplies, 247.

Vaughan, an outlaw for debt, motives for confirming his election to the houſe of commons, vi. 17.

Udal, a puritanical clergyman, his cruel perſecution for writing againſt epiſcopacy, v. 466.

Velvet, the price of, in queen Elizabeth's reign, vi. 176.

Venables commands the forces on board Penn's fleet, ſent to the Weſt-Indies, vii. 254. Is routed at St. Domingo, 255. Takes Jamaica, and is ſent to the Tower, *ib.*

Venner, an account of his inſurrection, vii. 363.

Vere, Sir Francis, is made governor of Fluſhing, v. 375. Commands the Engliſh auxiliaries at the battle of Tournholt, 376. Defends Oſtend againſt the Spaniards, v. 444. *note.*

——, Robert de, earl of Oxford, his aſcendancy over Richard II. iii. 14. His preferment and licentious conduct, 15. Defeated by the duke of Glouceſter, 20.

Verneuil, battle of, between the duke of Bedford and the earl of Buchan, iii. 131.

Vervins, peace of, between Henry IV. of France and Philip II. of Spain, v. 389.
Vezelay, the armies of Richard I. of England, and Philip of France, intended for the cruſade, rendezvous there, ii. 7.
Victor IV. pope; ſee *Alexander* III.
Vidomar, count of Limoges; how he incurred the reſentment of Richard I. iii. 33. Is beſieged by him, and all his garriſon hanged, *ib.* Richard receives his death wound at the aſſault, *ib.*
Vienne, John de, admiral of France, ſent by the regency of Charles VI. to aſſiſt the Scots in invading England, iii. 12. Returns home diſguſted, 13.
Vigo taken and burnt by Sir Francis Drake, v. 350.
Villains, among the Anglo-Saxons, what, i. 218.
Villenage, the gradual decay of, deduced from the revival of the arts, iii. 302. No remains of, left at the time of queen Elizabeth, 304.
Villiers, George, is introduced to the notice of James I. vi. 76. Is made cup-bearer to him, *ib.* Is made duke of Buckingham, 79. See *Buckingham.*
Virgil, Polydore, cauſe of his antipathy to cardinal Wolſey, iv. 15.
Virginia, the firſt ſettlers planted there by Sir Walter Raleigh, deſert it, v. 274. The ſettlements there reſumed and effected, vi. 187.
Uliſter, a company formed in London for planting colonies in, on its falling to the crown by attainders, vi. 60. An inſurrection of the Iriſh, and maſſacre of the Engliſh there, 436, 437. See *Ireland.*
Union of England and Scotland, attempted by king James I. vi. 25. Commiſſioners appointed to treat of it, *ib.*
Uniformity, the act of, paſſed, vii. 374. The penalties of, increaſed, 396.
Univerſities, their revenues granted to Henry VIII. by parliament, but declined by him, iv. 251.
United Provinces of the Low Countries, commencement of their aſſociation againſt the dominions of Spain, v. 215. Pacification of Ghent, 219. Conclude a treaty with queen Elizabeth, 221. Again implore the protection of Elizabeth, 269. Conditions of her league with them, 271. Are reproved by Elizabeth for the extraordinary honours beſtowed by Leiceſter, commander of the Engliſh forces, 273. Are diſpleaſed with Leiceſter, 277. And jealous of the intentions of Elizabeth, 329. The earl of Leiceſter recalled, *ib.* The government of, conferred on prince Maurice, *ib.* Conclude a new treaty with Elizabeth, 375. Another, 393. A treaty between James I. and Henry IV. for the ſupport of, vi. 7. Their freedom acknowledged by Spain, and a truce of twelve years concluded, 44. Baniſh Vorſtius, an Armenian, to gratify James, 57. Are induced to practiſe ſeverities againſt bigots, *ib.* Obtain of James a reſignation of the cautionary towns, 80. Acquire their full freedom by this reſtitution, 82. Renew the war with Spain, and receive forces from England, 150. Cruelties exerciſed by the Dutch on the Engliſh factors at Amboyna, 185. Their herring-buſſes attacked by the Engliſh, and a fine paid for the licence of fiſhing, 306. Are obliged to remove Charles II. after the murder of Doriſlaus, vii. 172. Decline the

propoſed coalition with the Engliſh commonwealth, 210. Their ſhips taken by the Engliſh, 211. Engagement between Trompe and Blake, 212. Their apology rejected by the Engliſh commonwealth, 213. See *Trompe*, *De Ruiter*, &c. Make peace with Cromwel, 236. Review of their conduct toward the Engliſh, 397. Nova Belgia taken from them, 399. Order De Ruiter to attack the Engliſh ſettlements, 400. Their ſhips ſeized by the Engliſh, 401. War declared againſt them by the Engliſh, 402. Treaty of Breda, 419. Triple alliance, 435. Charles determines to quarrel with them, in virtue of his leagne with France, 472. Their Smyrna fleet attacked by the Engliſh, 478. War declared by England, 479. War declared by France, 480. Their defenceleſs ſtate at this time, 482. Sea-fight at Solebay, 485. Rapid progreſs of Lewis XIV. in their territories, 487. General conſternation of the ſtates, 489. Send deputies to beg for peace, 490. The prince of Orange made Stadtholder, 494. Sea fight at Schonvelt, 506. Another at the mouth of the Texel, 508. Ineffectual congreſs at Cologne, 510. Peace with England, 513. Their motives of haſtening the treaty of Nimegnen, viii. 22. Conclude an alliance with Charles to oblige France to peace, 38. Peace of Nimeguen, 46. Join with Germany in a leagne againſt Lewis XIV. 278. Concur with the prince of Orange in his intention of aſſiſting the Engliſh nation againſt James II. 285.

Vorſtius, a diſciple of Arminius, baniſhed from the United Provinces, to gratify king James I. vi. 57.

Vortigern, prince of Dumnonium, his character, i. 15. 19, 20. Depoſed, 20.

Vortimer ſucceeds his father Vortigern, i. 20.

Urban diſputes the papacy with Clement, i. 303. His kind reception of archbiſhop Anſelm, 304.

—— III. dies of grief, at the taking of Paleſtine by Saladin, i. 457.

—— VI. pope, how elected, iii. 57.

Urbaniſts and Clementines, ſource of thoſe diſtinctions, iii. 57.

Urrey, colonel, deſerts from the parliament-army to prince Rupert, vi. 520. Eſſex's army ſurpriſed, by his intelligence, and Hambden killed, 521. Is defeated by Montroſe near Inverneſs, vii. 51. Is executed in Scotland, 181.

Urſwic, almoner to Henry VII. ſent by him to mediate between France and Britanny, iii. 340. The duke of Britanny's anſwer to his propoſals, *ib.* Sent a ſecond time with new propoſals, 342.

Uſury, how looked on at the commencement of the reign of Richard I. ii. 3. Is worſe practiſed after the expulſion of the Jews by Edward I. than by them before, ii. 238. Ill-judged laws againſt, by Henry VII. iii. 401. Another ſtatute paſſed againſt, iv. 354. The meaning of that word limited to the taking exorbitant intereſt, and condemned by law, v. 483.

Utrecht is taken by Lewis XIV. vii. 488.

Uxbridge, negociations entered into there for the treaty between Charles I. and the long parliament, vii. 31.

W

WAGER of law, the ſource of, i. 222.
Wages of labourers, regulated by a law of Henry VII. iii. 402. Remarks on the rates at that time, compared with the preſent, *ib.*
Wakefield, battle of, between Margaret and the duke of York, iii. 209. Action there between Sir Thomas Fairfax and Goring, vi. 534.
Wakeman, Sir George, the queen's phyſician, is accuſed of an intention to poiſon the king, viii. 63. Is acquitted, 113.
Walcott, lieutenant-colonel, is tried and executed for the duke of Monmouth's conſpiracy, viii. 188.
Waleran de Ties, his diſputes with Richard earl of Cornwal, ſon of king John, concerning a manor in that county, ii. 158.
Wales, the ſtate of, and the reſtleſs diſpoſition of its princes, previous to the time of Henry III. ii. 196. Prince Lewellyn applies to Henry for protection againſt his rebellious ſon Griffin, *ib.* Griffin delivered up to Henry, by his elder brother David, who does homage to Henry, *ib.* Griffin loſes his life in attempting an eſcape from the Tower of London, 197. His ſon Lewellyn ſucceeds, and renews the homage to Henry, *ib.* He confederates with Leiceſter, and invades England, *ib.* Is reduced by Edward I. for not renewing his homage, 241. Lewellyn defeated and killed by Mortimer, 242. His brother and ſucceſſor David tried as a traitor, and executed, *ib.* The Welch bards all put to death, 243. The traditional account of its annexation to the crown of England, and giving title to the king's eldeſt ſon, *ib.* The motto of the princes of, whence derived, 436. The Welch remonſtrate againſt the taxes impoſed by prince Edward, to defray his expences in Caſtile, 478. Appeal to Charles, king of France, 479. Inſurrection there by Owen Glendour, iii. 66. United to the Engliſh government by parliament, iv. 121. Farther regulations made to complete the union, 151.
Wallace, William, his character, ii. 299. Becomes a leader of the diſcontented Scots, *ib.* His firſt exploits againſt the Engliſh, *ib.* Chaſes Ormeſby, the Engliſh juſticiary, to England, 300. Is countenanced by Robert Bruce, *ib.* Gains a victory over earl Warrenne, 301. Is made regent of Scotland, 302. Makes an incurſion into England, *ib.* Reſigns his regency, to avoid giving umbrage to the Scots nobles, 303. Is routed at Falkirk by Edward, 304. His prudent retreat, *ib* His conference with young Robert Bruce, on the banks of the Carron, 305. Gains Bruce over to the Scots intereſt, 306. Is betrayed into the hands of Edward, 311. Is executed on Tower-hill, *ib.*
Waller, Edmond, the poet, his anecdote of James I. vi. 75. His character as a writer, and as a member of parliament, 527. Forms a party without doors againſt the violent counels within, *ib.* Is diſcovered, and, with two others, condemned by a court martial, 528. Is pardoned, on paying a fine, 529. His character as a poet, vii. 345. His death, *ib.*
———, Sir William, a parliament general, his rapid exploits, vi. 514. James the earl of Eſſex, 515. Is ſent into the weſt, and is defeated by

lord Wilmot on Roundway-down, 519. Is routed by the king at Cropredy bridge, vii. 16.

Wallingford-houſe, cabal of, againſt Richard Cromwell, vii. 295.

Walpole, Mr. a particular examination of Perkin Warbec's impoſture, in reference to his *Hiſtorical Doubts*, iii. 454.

Walſingham, miniſter to queen Elizabeth, countenances the puritans, v. 155. When ambaſſador at Paris, is deceived by the plauſible conduct of Charles, 204. Is ſent ambaſſador to France, on occaſion of the intended marriage between Elizabeth and the duke of Anjou, 242. The ſtrange contrariety of inſtructions received by him, *ib.* Is averſe to the French marriage, 244. Is ſent ambaſſador to Scotland, to diſcover the real character of James, 255. Sends a favourable account of him, *ib.* His vigilance and artifices to detect conſpiracies, 257. Diſcovers Babington's conſpiracy, 287. His ſchemes to acquire full inſight into it. *ib.* Seizes the conſpirators, 289. Juſtifies his conduct toward Mary queen of Scots, on her trial, 298. His letter to Thirlſtone, the Scots ſecretary, relating to the execution of Mary queen of Scots, 324. His death and character, 522.

Walter, archbiſhop of Rouen, is, with others, appointed by Richard I. counſellor to Longchamp, ii. 16. Is made chief juſticiary, 17. Forces prince John to an accommodation, 25. Attends queen Eleanor to Germany to ranſom the king, 28.

Waltheof, earl, enters into a conſpiracy againſt William the Conqueror, i. 264. Betrayed by his wife, 265. Confeſſes it to Lanfranc, archbiſhop of Canterbury, and after to the king, *ib.* Executed, 266.

Walworth, mayor of London, kills Watt Tyler at the head of his adherents, iii. 10.

Wapentake, what, i. 94.

War, reflections on the ſtate of, and manner of carrying on, in the early times of the Engliſh hiſtory, iii. 103. 165. Civil, favourable to eloquence, vii. 342.

Warbec, Perkin, his parentage, iii. 356. For what purpoſe ſent for by the ducheſs of Burgundy, 357. Secreted in Portugal, *ib.* Sent to Ireland, and aſſumes the character of the duke of York, 358. Invited to Paris by Charles VIII. *ib.* Magnificent reception and appointments, *ib.* Retires to the ducheſs of Burgundy, on the peace between England and France, *ib.* His intereſt gains ground in England, 359. His ſecrets betrayed by Sir Robert Clifford, 361. His private hiſtory publiſhed by Henry VII. 361. Puts to ſea with a band of refugees, and eſcapes the ſnares of the Kentiſh men, 365. Makes an ineffectual attempt upon Ireland, 370. Received by James IV. of Scotland, and married to lady Catharine Gordon, 371. Attends James in an invaſion of England, and publiſhes a manifeſto, *ib.* Deſired by James to leave Scotland, on his concluding a truce with England, 378. Excluded Flanders, he retires to Ireland, 379. Makes a deſcent on Cornwal, *ib.* Beſieges Exeter, *ib.* Raiſes the ſiege, and his followers diſperſe, 380. His wife taken priſoner, and generouſly treated, *ib.* Flies to a ſanctuary, 381. Perſuaded to ſurrender, *ib.* Conducted to London in mock triumph, *ib.* Makes a confeſſion, which is publiſhed, *ib.* Eſcapes, 382. Taken, and

put in the ſtocks, *ib.* Concerts an eſcape with the earl of Warwic, *ib.* Executed, 383. His impoſture eſtabliſhed by an expreſs examination of circumſtances, 455.

Wardſhips, a branch of the revenue of the Anglo-Norman kings, the vaſt advantages made thereby, ii. 129. The oppreſſive nature of the prerogative, v. 461. The commons attempt to free the nation from the burden of, vi. 24. Enter into treaty with the king for the reſigning, which fails, 54.

Warham, archbiſhop of Canterbury, and chancellor, choſen to the privy-council by Henry VIII. iii. 409. Reſigns his places, and retires, iv. 4. His obſervation on cardinal Wolſey, 16. Informs Henry of Wolſey's arbitrary conduct, 17. Declares againſt the king's completing his marriage with Catharine of Arragon, 76. Dies, 112. How impoſed on by the ſtory of the *Holy Maid of Kent*, 135.

Warrenne, earl, the laſt baron who ſubmitted to the proviſions of Oxford, ii. 186. Joins prince Edward in ſupport of the royal cauſe againſt the earl of Lieceſter, and the turbulent barons, 200. Commands the van at the battle of Lewes in conjunction with Edward, 204. Flies beyond ſea on the loſs of the battle, 205. His reply, when required to ſhew his title to his eſtate, 238. Defeats the Scots, and takes the caſtle of Dunbar, 281. Is left governor of Scotland, 283. Returns to England on account of his health, 298. Collects an army to ſuppreſs Wallace, 300. Is defeated by him, 301. Retreats to England, *ib.* Joins the confederacy of the earl of Lancaſter againſt Piers Gavaſton, 335.

Warſaw, the battle of, gained by Charles X. of Sweden, vii. 247.

Warwic, Guy earl of, confederates with the earl of Lancaſter againſt Piers Gavaſton, ii. 335. Seizes Gavaſton, who is put to death at Warwic-caſtle, 336.

———, earl of, left by Henry V. guardian of his infant ſon Henry VI. iii. 116. This charge transferred by parliament to the biſhop of Wincheſter, 124. Beſieges Montargis, 137. Obliged to raiſe the ſiege by the count of Dunois, *ib.* Becomes regent of France, by the reſignation of the duke of York, 167. Dies, *ib.*

———, earl of, diſtinguiſhed by the appellation of *King-maker*, his character, iii. 181. Made governor of Calais, 202. Brings over a body of ſoldiers from thence to the duke of York, who deſert to the king, 204. Lands again, and is received at London, *ib.* Defeats and takes Henry at Northampton, 205. Defeated by queen Margaret at St. Alban's, 210. His behaviour previous to the battle of Touton, 218. Sent by Edward IV. to Paris, to negociate a marriage with the queen of France's ſiſter, 228. Returns diſguſted with Edward's ſecret marriage with the lady Elizabeth Gray, *ib.* Makes a party againſt the king, 230. Gains Edward's brother the duke of Clarence over, by giving him his daughter, *ib.* Confuſed accounts of their ſubſequent operations, 234. Raiſes men, in conjunction with the duke of Clarence, but deſpairing of ſucceſs returns to Calais, 236. Refuſed admittance by the deputy-governor, *ib.* Received by the king of France, 237. Enters into a league with queen Margaret, 238. Marries his daughter to her ſon Edward, *ib.*

ib. Gains over his brother Montacute, 239. Lands at Dartmouth, 240. Amazing increaſe of his army, 241. The king expelled by the treachery of Montacute, *ib.* Reflections on his temporary adminiſtration, 248. Defeated and killed at the battle of Barnet, 249.

Warwic, Edward Plantagenet, earl of, impriſoned in the Tower by Henry VII. iii. 312. Carried openly through London, to diſcountenance the pretenſions of Lambert Simnel, 327. Executed, 383.

———, Dudley, viſcount Liſle created earl of, iv. 284. Attends the duke of Somerſet in his expedition againſt Scotland, 300. Reſtores the advantage to the Engliſh at the battle of Pinkey, 303. Endeavours to foment the differences between Somerſet and the admiral, 317. His hiſtory and character, *ib.* Defeats the inſurgents in Norfolk, 331. Cabals with Southampton againſt Somerſet, 335. Enters into a conſpiracy againſt him at Ely-houſe, 336. Procures Somerſet to be ſent to the Tower, 339. Becomes the chief of the council, and drives Southampton away diſguſted, *ib.* Marries his ſon lord Dudley to the lady Jane Seymour, daughter of Somerſet, 340. Gardiner, and other biſhops, deprived of their biſhoprics, 344. The libraries of Weſtminſter and Oxford purged of Romiſh books, 345. Is created duke of Northumberland, 350. See *Northumberland.*

———, earl of, eldeſt ſon of Dudley duke of Northumberland, takes the command of Havre de Grace, for queen Elizabeth, v. 71, 72. Prepares to defend it by order from the queen, 79. Is beſieged, *ib.* The garriſon infected with the plague, 80. Capitulates, *ib.*

Watches, pocket, when firſt introduced into England, v. 484.

Welles, Sir Robert, heads an inſurrection in Lincolnſhire againſt Edward IV. iii. 235. Defeated and executed by the king, 236.

Wentworth, Peter, his ſpirited ſpeech in the houſe of commons, in reply to aſſertions of the regal prerogative, v. 180. His ſpeech in favour of liberty, 225. Is ſummoned before a committee of the houſe in the ſtar-chamber, 227. His firm behaviour before them, *ib.* Is releaſed by the queen's favour, *ib.* Offends the queen again, by reſuming the ſubject of the ſucceſſion, 364. Is ſent to the Tower, *ib.* Propoſes queries to the houſe of commons, for determining the extent of their privileges, 514.

———, Sir Thomas, his ſpeech in the third parliament of Charles I. vi. 244. Is created earl of Strafford, 286. See *Strafford.*

Weregild, among our Saxon anceſtors, what, i. 219.

Weſſex, the Saxon kingdom in Britain, by whom founded, i. 25. Hiſtory of, 53.

Weſt, Dr. dean of Windſor, ſent by Henry VIII. ambaſſador to James IV. of Scotland, to accommodate differences, iii. 425. Adviſes Henry to prepare for a war with James, 427.

Weſt Indies, the effects reſulting from the diſcovery of, to the Engliſh crown and people, vi. 47. The effects on the ſpirit of the people, 48.

Weſtminſter, a ſynod held there, on the marriage of prieſts, and wearing long hair, i. 334. Another ſummoned by Henry biſhop of Wincheſter, againſt king Stephen, 358. Is erected into a biſhopric by Henry VIII. iv. 183.

iv. 183. Assembly of divines called there, for the regulation of religion, vii. 32.

Westmoreland, earl of, suppresses the rebellion of the earl of Nottingham, and archbishop of York, and takes them prisoners, iii. 73.

———, earl of, joins the earl of Northnmberland in raising an insurrection in the North, v. 163. Takes shelter in Scotland, 164.

Westphalia, the peace of the Germanic body settled by the treaty of, vii. 246.

Wheat, observations on the price of, in the reign of Henry III. ii. 223, 224.

Whig, the origin of that name as a party distinction, viii. 126. The plan of that party for settling the government, on the abdication of James II. 312.

Whitgift prevails on queen Elizabeth to establish a court of ecclesiastical commission to prosecute the Puritans, v. 262.

Whitlocke, his remarks on the case of lord Strafford, vi. 406. His account of the conduct of Charles I. in the negociation at Oxford, 586. His speech in parliament relative to the self-denying ordinance, vii. 25.

Wiatt, Sir Thomas, engages in a conspiracy against queen Mary, on account of the Spanish match, iv. 388. A body of Norfolk's troops desert to him, 389. Is suppressed, taken, and executed, 390.

Wickham, William of, bishop of Winchester, made chancellor by Richard II. iii. 24.

Wickliffe, John, a secular priest, his character, iii. 52. His doctrines, 53. A bull issued by pope Gregory XI. for taking him into custody, *ib.* Cited before Conrtney, bishop of London, and protected by the duke of Lancaster, *ib.* A new bull issued against him, but is protected by the people, 54. His address in explaining away his tenets, to avoid conviction of heresy, 55. His opinions spread both at home and in Germany, *ib.* Dies of a palsy, *ib.* See *Lollards*.

Wildred, king of Kent, history of his posterity, i. 39.

Wilfrid, bishop of Lindisferne in Northumbria, by appealing to Rome against the decision of an English synod, confirms the pope's supremacy, i. 62.

Wilkins, bishop, the first promoter of the royal society, viii. 332.

William I. successor to Rollo, duke of Normandy, improvement of his country in his time, i. 139.

———, natural son of Robert, duke of Normandy, declared his successor by his father, i. 170. Makes good his pretensions at his father's death, 171. Visits Edward the Confessor, who entertains favourable intentions of leaving him the succession, 172. Gets Harold in his possession, and engages him to swear a renunciation of his own pretensions, and to assist William in his, 174. Sends ambassadors to expostulate with Harold on his breach of faith, 180. Projects an invasion, 181. Situation of Europe at that period, 182. His successful levies, 183. His address in raising supplies, 186. Review of his forces, 187. Embarks, 188. Lands in Sussex, 189. Waits for Harold at Hastings, 191. His address to his chieftains, the morning of action, 192. Order of battle, *ib.*

Battle of Haſtings, 193. Loſſes in the action, 195. Conſequences of the battle, 231. Seizes Dover, 233. Receives the ſubmiſſion of the Londoners, 235.

William the Conqueror, crowned at Weſtminſter-abbey, i. 236. Gratifies his troops out of the treaſure of Harold, and the gifts of his new ſubjects, 237. His kind treatment of Edgar Atheling, 238. Confirms the liberties of London, *ib.* Diſarms them, and places all the power in the hands of Normans, 239. Takes the Engliſh nobility with him to Normandy, *ib.* Conjectures as to the motives of his journey there, 243. Returns on account of inſurrections during his abſence, *ib.* Reduces Exeter, 244. Builds a citadel there, *ib.* Reduces Edwin and Morcar in the north, 246. His rigorous government, 247. This the occaſion of ſeveral inſurrections, 249. Reduces them, 250. His cruel policy, and tyrannical government, 251. Introduces the feudal law, 253. Subjects the church to it, 254. Receives Erminfroy, the pope's legate, 256. Degrades and impriſons Stigand, archbiſhop of Canterbury, 257. Promotes Lanfranc to Canterbury, 258. Attempts to ſuppreſs the Engliſh language, 259. Repels Malcolm king of Scotland, and receives homage from him, 263. Reduces a rebellion in the province of Maine, 262. The Norman barons rebel againſt him, 263. Suppreſſed, 265. His reſolute anſwer to the claims of pope Gregory VII. 270. His eldeſt ſon Robert rebels againſt him, 273. Extraordinary remonſtrance between them, 274. Is reconciled to him, 275. Cauſes a ſurvey of all England to be made, *ib.* Account of domeſday-book, 276. Computation of his revenue, *ib.* Waſtes Hampſhire to make the new foreſt, 278. Impriſons his brother biſhop Odo, 279. Makes war againſt France, *ib.* Occaſion of his death, and his remorſe, 280. Predicts the future grandeur of his ſon Henry, *ib.* His character, 281. His title of *Conqueror* defended, 282. His family, 284. Inquiry into his ſuppoſed revenues and treaſure, 300. His vaſt grants to his chieftains in England, ii. 113.

William Rufus, his acceſſion to the crown of England, 285. His tyrannical diſpoſition, 286. Quells an inſurrection raiſed againſt him, 287. His arbitrary adminiſtration, 288. Invades Normandy, *ib.* Makes peace with his brother, 289. Aſſiſts him to reduce their brother Henry, 290. Invades Normandy again, 291. Obtains a mortgage on it from his brother Robert, 299, 309. Anecdotes ſhewing his indifference about religion, *ib.* Appoints Anſelm to the archbiſhopric of Canterbury, 301. Oppoſes Urban in his pretenſions to the papacy, 303. Confiſcates Anſelm's temporalities, 304. Embarks for Normandy to reſcue Mans, 306. Accidentally killed by Walter Tyrrel, 307. His character, *ib.* A famine cauſed by the neglect of tillage on account of his oppreſſive taxes, ii. 128.

———, ſon of Robert duke of Normandy, committed by Henry I. to the tutorage of Helie de St. Saen, i. 335. Protected by Fulk, count of Anjou, *ib.* Marries his daughter, 340. Put in poſſeſſion of Flanders, 341. Killed, *ib.*

———, eldeſt ſon of king Henry I. contracted with the daughter of Fulk, count of Anjou, 336. Recognized his ſucceſſor, 338. Drowned in his paſſage

paſſage from Normandy to England, *ib.* His character, and ſentiments regarding the Engliſh, 339.

William king of Scotland, joins the confederacy of prince Henry, againſt his father Henry II. i. 439. Repulſed by Richard de Lucy, guardian of the kingdom, 442. Commits depredations again in the northern provinces, 445. Taken priſoner by Ralph de Granville, *ib.* Does homage to Henry, with all his nobility, for his ranſom and crown, 448.

——— II. king of Naples and Sicily, how he bequeathed his dominions, ii. 9.

——— de Eynsford, excommunicated by Thomas à Becket, i. 388. Abſolved by the king's order, 389.

——— of Poictiers, his character of the Engliſh nobility who attended William the conqueror to Normandy, i. 240.

Williams, biſhop of Lincoln, his ſevere proſecution in the ſtar-chamber by archbiſhop Laud, vi. 309. Is inſulted by the populace when archbiſhop of York, 464. Calls a meeting of his brethren, and preſents a proteſtation to the king and his peers, *ib.*

Willis, Sir Richard, betrays the deſigns of the royaliſts, during the protectorate to Oliver Cromwel, vii. 263. Diſcovers a conſpiracy to the protector, 281. Betrays, to the long parliament, a deſign formed to reſtore Charles II. 301.

Willoughby, lord, governor of Paris, unable to maintain it, retires to the Baſtile, iii. 164. Capitulates, *ib.*

——— of Broke, lord, ſent by Henry VII. to the aſſiſtance of the ducheſs of Britanny, iii. 345. Finds the court in a diſtracted ſtate, *ib.* Returns home, without effecting any thing, 346.

Wiltſhire, Sir Thomas Boleyn created earl of, and ſent by Henry VIII. to the pope, whoſe foot he refuſes to kiſs, iv. 103.

Winchelſey, Robert de, archbiſhop of Canterbury, procures pope Boniface to publiſh a bull exempting the clergy from paying taxes to princes without the papal conſent, ii. 315. His reply to Edward I. on a demand of ſupply from the clergy, *ib.* His treatment, on the clergy being excluded from all protection of the laws, 286. The king appoints him and Reginald de Gray, tutors to prince Edward, 290. Joins the confederacy of the earl of Lancaſter againſt Piers Gavaſton, 335.

Wincheſter, a ſynod ſummoned there, concerning the celibacy of the clergy, i. 271.

———, Henry biſhop of, brother to king Stephen, calls a ſynod, and cites Stephen before it, i. 358. Encourages the pretenſions of the empreſs Matilda, 359. Declares openly in her favour, 362. His ſpeech at her coronation, 363. Inſtigates the Londoners againſt Stephen, *ib.* Beſieges Matilda in Wincheſter, 365. His legantine commiſſion withdrawn, 366. Pronounces ſentence againſt Becket, at the council of Northampton, 398.

———, Henry Beaufort biſhop of, the legitimate ſon of John of Gaunt, intruſted by parliament with the tutorage of the young king Henry VI. iii. 124. His character, 135. His diſputes with the duke of Glouceſter, compromiſed by the duke of Bedford, regent of France, *ib.* Created a cardinal, and ſent with men into Bohemia againſt the Huſſites, which he

he lends to the duke of Bedford, 153. Attends the congreſs at Arras, 161. His diſputes with the duke of Glouceſter throw the Engliſh affairs into confuſion, 163. His arguments in favour of releaſing the duke of Orleans, 167. Adviſes a truce with France, 168. Contrives the ruin of the duke of Glouceſter, 171. Dies, 172.

Wincheſter, Peter des Roches biſhop of, is choſen joint protector with Hubert de Burgh. chief juſticiary, on the death of the earl of Pembroke, ii. 152. His character and anecdotes of him, 161. Succeeds Hubert de Burgh in his offices, and influence over the king, *ib.* The barons combine againſt him, *ib.* His inſolent ſpeech with regard to them, 162. His diſmiſſion procured by Edmond the primate, 163.

Windebank, Sir Francis, ſecretary, flies to France, to avoid impeachment by the long parliament, vi. 371.

Windham, colonel, ſecretes Charles II. after the battle of Worceſter, vii. 199.

Windſor-caſtle, when built, ii. 490.

Winter is ſent by queen Elizabeth with a fleet to the aſſiſtance of the proteſtant malcontents in Scotland, v. 35.

Winwood, Sir Ralph, ſecretary of ſtate to James I. diſcovers to the king that Sir Thomas Overbury was poiſoned by Somerſet and his lady, vi. 77.

Wiſhart, the Scots reformer, an account of, iv. 295. Is condemned and burnt for hereſy, 297. His prophetic denunciation againſt cardinal Beaton, *ib.* His prophecy, how accompliſhed, 298.

Witchcraft, and conjuration, a law againſt, v. 77.

Witches, numbers burnt under that accuſation in Scotland, vii. 186. The diſcovery of, ſtudied as a ſcience, *ib.*

Witteragemot, the ancient Saxon council of parliament, particulars relating to, and conjectures concerning, i. 201. The commons no part of, 202.

Woden, the Saxon god of war, ſome account of, i. 30.

Wolfhere, king of Mercia, his hiſtory, i. 48.

Wolſey, Thomas, his birth, iii. 427. How introduced to the notice of Henry VII. *ib.* His addreſs in executing a commiſſion from that king to Maximilian, *ib.* Introduced to Henry VIII. by Fox, biſhop of Wincheſter, 428. Encourages Henry in his pleaſures, *ib.* The maxims of government he inſtils into him, 429. Admitted of the privy council, *ib.* His character, 430. Put in poſſeſſion of the biſhopric of Tournay, 437. Created biſhop of Lincoln, 440. Reconciles Henry with the duke of Suffolk, who had married his ſiſter the queen dowager of France, privately, 445. Is promoted to the ſee of York, iv. 2. Shares the revenues of the Italian non-reſident biſhops, *ib.* His magnificence, *ib.* Is made chancellor, 4. His diſguſts againſt Francis I. of France, 10. His confidence courted by Bonnivet the French ambaſſador, 13. Is induced to perſuade Henry to deliver up Tournay, *ib.* Is believed to have intended the delivery of Calais to the French, 15. Is appointed legate in England, *ib.* His oſtentation, *ib.* His arbitrary exertions of power, *ib.* Character of John Allen, judge of his legantine court, 17. His power reſtrained by the king, 18. Is inſpired with the hopes of the papacy

papacy by the emperor Charles V. when in England, 21. Regulates the ceremonial of the interview between Henry and Francis, to which he had perſuaded Henry, 22. The emperor's grants to him at his ſecond interview with Henry at Gravelines, 25. His enormous revenues, *ib.* His negociations for peace between the emperor and Francis, ineffectual, 26. Goes to Bruges, and concludes an alliance with Henry, the emperor, and the pope, againſt Francis, *ib.* Procures the condemnation of the duke of Buckingham, 27. Intimidates the convocation into the grant of a moiety of eccleſiaſtical revenues, 46. His endeavours to procure the required grants from the commons, 47. His arbitrary behaviour to the citizens of London, 451. Obtains of Clement VII. the legantine commiſſion for life, 48. His reſentment againſt the emperor, on miſſing the papacy, *ib.* Erects two colleges, with other eccleſiaſtical regulations, 49. Receives a preſent covertly from Louiſe regent of France, on the concluſion of her treaty with Henry, 61. Adviſes the king to exert his prerogative in levying taxes, *ib.* Becomes odious for his bad counſels and oppreſſive conduct, 63. Builds the palace of Hampton-court, and preſents it to the king, 64. Goes over to France, and make a treaty with Francis, 71. Is appointed by the pope to try the king's marriage, jointly with cardinal Campeggio, 85. The trial opened, 87. Abruptly prorogued by Campeggio, 90. The great ſeal taken from him, 92. Is ordered to depart from York palace, and his moveables there confiſcated by the king, *ib.* His want of fortitude on his diſgrace, 93. Is proſecuted in the ſtar-chamber, 94. The peers exhibit a long charge againſt him, *ib.* Is warmly defended by Thomas Cromwel in the houſe of commons, *ib.* Is proſecuted on the ſtatute of proviſors, *ib.* Is pardoned by the king, 95. Is arreſted by the earl of Northumberland for high treaſon, 104. His dying requeſt to the conſtable of the Tower, *ib.* His death, and a review of his conduct, 105. Uſed no ſeverities againſt the reformers, 131.

Wolves, how exterminated from England, i. 126.

Woodville, lord, applies unſucceſsfully to Henry VII. for liberty to raiſe men to aſſiſt the duke of Britanny, iii. 342. Raiſes a few privately, *ib.* Routed and ſlain by the French, *ib.*

Wool, a duty granted to Edward I. on the exportation of, ii. 238. Oppreſſive extortions practiſed by him on the traders in, 288. Duties laid on, by parliament, 401. The great trade in, at the time of Edw. III. 495. The ſtaple of, where fixed in this reign, 498. The price of, during the reign of James I. vi. 176. Laws relating to, in this reign, 181.

Woollen manufacture taxed by parliament, iv. 321, *note*.

——— clothes, ſtate of the Engliſh manufacture of, in the reign of James I. vi. 181. The art of dying, when introduced into England, viii. 329.

Women, a body of, petition the long parliament, vi. 475. A mob of, rout a ſynod at Perth, vii. 529.

Worceſter, burnt by order of Hardicanute, i. 157. Charles II. routed there by Cromwel, vii. 196.

———, John Tibetot, earl of, his character, iii. 244. Taken and executed by the Lancaſtrians, *ib.*

Watton, Dr. is one of queen Elizabeth's ambaſſadors at the treaty of Cateau Cambreſis, v. 17. Signs the treaty of Edinburgh with Cecil, on the part of Elizabeth, 36. Is ſent ambaſſador again to Scotland, 277. His character, *ib.* Is forced to fly from Scotland on account of his political ſchemes, 279.

Wounds, the legal compoſition for, among our Saxon anceſtors, i. 220.

Wrecks, law made by Henry II. to ſecure the property of, i. 467.

Wriotheſeley, is made chancellor of England, iv. 257. His cruelty in torturing Anne Aſcue for hereſy, 258. Perſuades Henry to impeach queen Catharine Par for hereſy, 259. Comes to convey the queen to the Tower, and is abuſed by Henry, 260. Is appointed one of the regency, during the minority of Edward VI. 281. Is created earl of Southampton, 284. See *Southampton*.

Writs to parliament, the antient eſtabliſhment of ſummoning barons by, ii. 269.

Writers, Engliſh, a review of thoſe during the reign of Charles I. and the ſucceeding commonwealth, vii. 343.

Wycherley, a character of his dramatic writings, viii. 336.

Y

YELVERTON, his free ſpeech in the houſe of commons, on Elizabeth's invaſion of their privileges, v. 175.

———, a lawyer, his ſpeech on being choſen ſpeaker of the houſe of commons, in the reign of queen Elizabeth, v. 523.

Yeomen of the guard, firſt inſtitution of, iii. 314.

York, city of, its ſize at the time of the Norman conqueſt, i. 210. Burnt, 250. The Norman garriſon put to the ſword, *ib.* A court of juſtice erected there, by Henry VIII. iv. 175. The chapter lands of that ſee, ſeized by Henry VIII. 221. A great council of peers ſummoned there by Charles I. vi. 359. Is beſieged by the parliamentary army, but relieved by prince Rupert, vii. 10. Is obliged to ſurrender after the battle of Marſton-moor, 14.

—— and Lancaſter, the parties of, how diſtinguiſhed, iii. 217.

——, New; ſee *New-York*.

——, archbiſhop of, executed for rebellion by Henry IV. iii. 74.

——, duke of, uncle to Richard II. left guardian of the realm during Richard's abſence in Ireland, iii. 39. Raiſes forces againſt Henry duke of Lancaſter, but eſpouſes his party, *ib.*

——, Richard duke of, ſon to the earl of Cambridge, appointed ſucceſſor to the duke of Bedford as regent of France, iii. 163. Finds the Engliſh affairs in France in a declining way, 164. Reſigns his government to the earl of Warwic, 167. Reſumes it on the earl's death, *ib.* Concludes a truce with the duke of Burgundy, *ib.* His pretenſions to the crown of England, 180. His character, *ib.* His pretenſions how regarded, 182.

Driven

Driven to the aſſertion of his claim, 191. Motives which retarded having recourſe to arms, 194. Raiſes an army, demanding a reformation of government, 197. Is followed into Kent by the king, and retires, after a parley, *ib.* Created lieutenant of the kingdom, with a power to hold parliaments, 199. Made protector by the parliament during pleaſure, *ib.* His moderation, and in what reſpect hurtful, *ib.* Levies arms againſt the king, and battle of St. Alban's, 200. A formal reconciliation among the partizans of York and Lancaſter, 202. Retreats to Ireland, 204. Returns and opens his pretenſions to parliament, 205. His right of ſucceſſion and preſent adminiſtration, acknowledged, 206. Defeated and killed by queen Margaret at Wakefield, 209. His ſon the earl of Rutland murdered by lord Clifford, *ib.* For his ſon Edward, ſee *Edward duke of York*, infra.

York, Edward duke of, defeats the earl of Pembroke at Mortimer's Croſs, iii. 210. Enters London, and procures a popular election to the crown, 212. See *Edward* IV.

———, James duke of, ſecond ſon of Charles I. ſerves in the French and Auſtrian armies during his brother's exile, vii. 278. A preſent voted him by parliament on his brother's reſtoration, 328. Takes command of the fleet which carried his brother over to England, as lord high admiral, 329. Seduces the daughter of lord Clarendon, 361. Marries her, *ib.* Becomes a zealous catholic, 389. His motives for deſiring a Dutch war, 398. Commands a fleet, and defeats Opdam the Dutch admiral, 407. His behaviour in this engagement juſtified, *ib.* His ducheſs dies a catholic, and he now openly profeſſes the ſame religion, 472. Is, with the French fleet, attacked by De Ruiter at Solebay, 485. Is ſet aſide by the teſt act, 506. Maintains an intimate correſpondence with the king of France, viii. 6. His daughter the lady Mary married to the prince of Orange, 35. Obtains an exception from the new teſt-act, 84. Retires to Bruſſels, 96. Bill of excluſion paſſed againſt him by the commons, 105. Returns, and retires to Scotland, 122. The earl of Shaftſbury preſents him to the grand jury of Middleſex as a popiſh recuſant, 127. The excluſion-bill reſumed, 134. Arguments urged for and againſt his excluſion from the ſucceſſion, 135. Holds a parliament in Scotland, 166. Returns to England, 171. His cruel adminiſtration there, *ib.* Sues Pilkington ſheriff of London for defamation, 178. His daughter the lady Anne married to prince George of Denmark, 204. Is reſtored to the office of lord high admiral, 205. His acceſſion to the crown, 215. See *James* II.

Yorkſhire, inſurrection there, in Edward IV.'s time, iii. 233. Defeated by the lord Montacute, *ib.* Joined by leaders of diſtinction, *ib.* Defeated again at Banbury, *ib.* Mutual executions, *ib.* No particulars to be found how it was quelled, 234.

Ypres taken by Lewis XIV. viii. 40.

Yprès, battle of, between Henry IV. of France, and the generals of the catholic league, v. 358.

INDEX.

Z

ZUYLESTEIN, his commiſſion to England, and the conſequences of it, viii. 283. Is ſent by the prince of Orange to forbid king James returning to London, 503.

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